



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

**DATE:** August 26, 2015

**PREPARED BY:** SA (b) (6), (b) (7)(C)

**CASE #:** OI-AR-2012-ADM-0095

**CROSS REFERENCE #:**

**TITLE:** (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	

**VIOLATION(S):**

1. EPA Order 3120.1, Appendix A, Table of Penalties 3(a) – Where restricted information is not compromised and breach is unintentional
2. EPA Order 3120.1, Appendix A, Table of Penalties 5 – Making false, malicious or unfounded statements against coworkers, supervisors, subordinates or Government officials which tend to damage the reputation or undermine the authority of those concerned
3. EPA Order 3120.1, Appendix A, Table of Penalties 7 – Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful
4. EPA Order 3120.1, Appendix A, Table of Penalties 8 – Abusive or offensive language, gestures, or other conduct
5. EPA Order 3120.1, Appendix A, Table of Penalties 9 – Discourtesy to the public
6. EPA Order 3120.1, Appendix A, Table of Penalties 11 – Using Government property or Government employees in duty status for other than official purposes
7. EPA Order 3120.1, Appendix A, Table of Penalties 16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding
8. EPA Order 3120.1, Appendix A, Table of Penalties – Conducting personal affairs while in duty status

**RESTRICTED INFORMATION**

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

9. Title 5 CFR §2635.704 – An employee has the duty to protect and conserve Government property and shall not such property, or allow its use, for other than authorized purposes
10. Title 5 CFR §2635.705 – Unless authorized in accordance with law of regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties
11. 40 CFR §3.103 (d) – Take any action, whether specifically prohibited or not, which would result in or create a reasonable appearance of: (3) Impeding Government efficiency or economy
12. 40 CFR §3.103 (d) – Take any action, whether specifically prohibited or not, which would result in or create a reasonable appearance of: (6) Adversely affecting public confidence in the integrity of the Government or EPA
13. 40 CFR §3.104 – Use of Government property – Employees must not use or allow the use of Government-owned or leased property for other than official purposes
14. EPA Information Security Manual 2915A1, 7.3 – Appropriate use of the Internet – EPA’s policy for the appropriate use of the Internet is the same for all its information resources: (1) Information technology resources are to be used for authorized purposes only, and (2) The use of EPA information technology resources for unauthorized personal business is not allowed
15. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (1) using EPA network resources for official government business or for other authorize use in accordance with Agency policies
16. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (2) being aware of information security requirements associated with each system and application they use
17. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (4) managing and protecting their passwords
18. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (7) safeguarding sensitive information
19. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment – (C) You must not use Government office equipment for activities that are inappropriate (1) transferring or storing large electronic computer files using government equipment, (2) using Internet services that automatically download information, such as sports scores, stock prices, music or videos, or other continuous data streams such as radio stations, (3) voluntarily viewing, downloading, storing, transmitting or copying, either

electronically or from a hard copy, materials that are sexually explicit or sexually oriented

20. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment – Protecting the Security of EPA’s Systems – You are responsible for maintaining the confidentiality of your password and for all data that you place on or delete from an EPA computer

## ALLEGATIONS:

On March 1, 2012, (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) EPA, Washington, DC, allegedly downloaded pornographic images to an EPA shared file. Specifically, a preliminary review done by (b) (6), (b) (7)(C) revealed that (b) (6), (b) (7)(C) created the images on the drive.

During the course of this investigation, the OIG developed information that (b) (6), (b) (7)(C) had inappropriately mismanaged the security of (b) (6), (b) (7)(C) EPA-issued computer password. Specifically, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) maintained (b) (6), (b) (7)(C) EPA-issued computer password under the pad on (b) (6), (b) (7)(C) EPA desk. The OIG also developed information that (b) (6), (b) (7)(C) viewed and downloaded videos and movies to (b) (6), (b) (7)(C) EPA-issued computer.

The OIG OI determined there were three possible criminal and administrative violations that required investigation. The allegations investigated by OI were:

1. (b) (6), (b) (7)(C) viewed and downloaded pornographic material through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours;
2. (b) (6), (b) (7)(C) accessed, watched, and downloaded movies and video clips through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours; and
3. (b) (6), (b) (7)(C) may have comprised the security of (b) (6), (b) (7)(C) EPA-issued computer password and thereby the EPA network.

## FINDINGS:

Information was developed to support that (b) (6), (b) (7)(C) violated the following Code of Federal Regulations and EPA administrative policies with the viewing and downloading of pornographic materials as well as various movies and video clips with (b) (6), (b) (7)(C) EPA-issued computer through the EPA network during (b) (6), (b) (7)(C) core EPA hours:

- Title 5 CFR §2635.704;
- Title 5 CFR §2635.705;
- 40 CFR §3.103 (d);
- 40 CFR §3.104
- EPA Order 3120.1, Appendix A, Table of Penalties 7;

RESTRICTED INFORMATION

Page 3

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

- EPA Order 3120.1, Appendix A, Table of Penalties 8;
- EPA Order 3120.1, Appendix A, Table of Penalties 9;
- EPA Order 3120.1, Appendix A, Table of Penalties 11;
- EPA Order 3120.1, Appendix A, Table of Penalties;
- EPA Order CIO 2101.0;
- EPA Information Security Manual 2915A1, 7.3

Information was developed to support that (b) (6), (b) (7)(C) violated EPA Agency Network Security Policy 8.14 and EPA Order CIO 2101.0 by placing the password for (b) (6), (b) (7)(C) EPA-issued computer underneath the deskpads of (b) (6), (b) (7)(C) EPA desk.

Additionally, during the course of (b) (6), (b) (7)(C) interview, information was developed to support that (b) (6), (b) (7)(C) violated EPA Order 3120.1, Appendix A, Table of Penalties 5 and 16 when (b) (6), (b) (7)(C) claimed that someone had been accessing (b) (6), (b) (7)(C) EPA-issued computer during off hours.

**DISPOSITION:** Supported; Closed.

On June, 2014, the OI presented a Report of Investigation to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) EPA, Washington, DC, and (b) (6), (b) (7)(C) EPA, Washington, DC, regarding (b) (6), (b) (7)(C)

On June 23, 2014, (b) (6), (b) (7)(C) was placed on administrative leave and barred from entering EPA facilities.

On March 18, 2015, (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) of the proposal for removal.

On (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) retired in lieu of termination.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

June 2, 2014

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C)  
Case No. OI-AR-2012-ADM-0095

FROM: (b) (6), (b) (7)(C)  
Office of Investigations  
Washington Field Office

TO: (b) (6), (b) (7)(C)

Attached is a copy of our report of investigation on the above-captioned subject. The Washington Field Office (WFO), Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), initiated this investigation based on information provided by the Office of Environmental Information, EPA, Washington, DC.

This investigation developed information to support that (b) (6), (b) (7)(C) violated the following Code of Federal Regulations and EPA administrative policies with the viewing and downloading of pornographic materials as well as various movies and video clips with (b) (6), (b) (7)(C) EPA-issued computer through the EPA network during (b) (6), (b) (7)(C) core EPA hours:

- Title 5 CFR §2635.704;
- Title 5 CFR §2635.705;
- 40 CFR §3.103 (d);
- 40 CFR §3.104
- EPA Order 3120.1, Appendix A, Table of Penalties 7;
- EPA Order 3120.1, Appendix A, Table of Penalties 8;
- EPA Order 3120.1, Appendix A, Table of Penalties 9;
- EPA Order 3120.1, Appendix A, Table of Penalties 11;
- EPA Order 3120.1, Appendix A, Table of Penalties;
- EPA Order CIO 2101.0;
- EPA Information Security Manual 2915A1, 7.3

This investigation also developed information to support that (b) (6), (b) (7)(C) violated EPA Agency Network Security Policy 8.14 and EPA Order CIO 2101.0 by placing the password for (b) (6), (b) (7)(C) EPA-issued computer underneath the despad of (b) (6), (b) (7)(C) EPA desk.

Additionally, during the course of (b) (6), (b) (7)(C) interview, information was developed to support that (b) (6), (b) (7)(C) violated EPA Order 3120.1, Appendix A, Table of Penalties 5 and 16 when (b) (6), (b) (7)(C) claimed that someone had been accessing (b) (6), (b) (7)(C) EPA-issued computer during off hours.

As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action.

Please advise this office of any arrangements you have made or plan to make pertaining to any administrative action regarding (b) (6), (b) (7)(C). Additionally, your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the Agency. The manual contains a list of offenses with suggested penalties, although the list of offenses is not intended to be all inclusive. For offenses not listed, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information in the Conduct and Discipline Manual is to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against (b) (6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and to decide whether action under any part of the Conduct and Discipline Manual is appropriate.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

It is highly recommended that you confer with the Office of General Counsel and the Office of Human Resources to ensure that any action proposed is appropriate and equitable, and for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact Special Agent (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or me at (b) (6), (b) (7)(C).

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS  
TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

REFERRAL REPORT OF INVESTIGATION

CONCERNING (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)  
OI-AR-2012-ADM-0095

TABLE OF CONTENTS

Narrative	Section A
Entities and Individuals	Section B
Prosecutive Status	Section C
Witnesses and Evidence	Section D
Exhibits	

Distribution:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
**With Attachments**

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
**Informational Purposes Only – No Attachments**

Submitted by:

(b) (6), (b) (7)(C)

Special Agent  
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Office of Investigations

Reviewed by:

*Patrick Sullivan* 6/3/14  
Patrick Sullivan

Assistant Inspector General  
Office of Investigations

OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**CASE NO.:** OI-AR-2012-ADM-0095      **DATE OPENED:** March 24, 2012

**REPORT OF:** (b) (6), (b) (7)(C) GS-13,      **CASE AGENT:** (b) (6), (b) (7)(C)

**CASE CATEGORY:** Computer Crimes Non-Intrusion      **OFFICE:** Washington Field Office

**JOINT AGENCIES:** None      **JURISDICTION:** District of Columbia

**SECTION A - NARRATIVE**

**Introduction**

This investigation was initiated on March 1, 2012, based on information provided by (b) (6), (b) (7)(C) EPA, Washington, DC, regarding (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, Washington, DC, who allegedly downloaded pornographic images to an EPA shared file. Specifically, a preliminary review done by (b) (6), (b) (7)(C) revealed that (b) (6), (b) (7)(C) created the images on the drive. (Exhibit 1)

During the course of this investigation, the OIG developed information that (b) (6), (b) (7)(C) had inappropriately mismanaged the security of (b) (6), (b) (7)(C) EPA-issued computer password. (Exhibit 2) Specifically (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) maintained (b) (6), (b) (7)(C) EPA-issued computer password under the pad on (b) (6), (b) (7)(C) EPA desk. The OIG also developed information that (b) (6), (b) (7)(C) viewed and downloaded videos and movies to (b) (6), (b) (7)(C) EPA-issued computer. (Exhibit 3)

The OIG OI determined there were three possible criminal and administrative violations that required investigation. The allegations investigated by OI were:

1. (b) (6), (b) (7)(C) viewed and downloaded pornographic material through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours;
2. (b) (6), (b) (7)(C) accessed, watched, and downloaded movies and video clips through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours; and
3. (b) (6), (b) (7)(C) may have comprised the security of (b) (6), (b) (7)(C) EPA-issued computer password and thereby the EPA network.



**Possible violations:**

1. EPA Order 3120.1, Appendix A, Table of Penalties 3(a) – Where restricted information is not compromised and breach is unintentional
2. EPA Order 3120.1, Appendix A, Table of Penalties 5 – Making false, malicious or unfounded statements against coworkers, supervisors, subordinates or Government officials which tend to damage the reputation or undermine the authority of those concerned
3. EPA Order 3120.1, Appendix A, Table of Penalties 7 – Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful
4. EPA Order 3120.1, Appendix A, Table of Penalties 8 – Abusive or offensive language, gestures, or other conduct
5. EPA Order 3120.1, Appendix A, Table of Penalties 9 – Discourtesy to the public
6. EPA Order 3120.1, Appendix A, Table of Penalties 11 – Using Government property or Government employees in duty status for other than official purposes
7. EPA Order 3120.1, Appendix A, Table of Penalties 16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding
8. EPA Order 3120.1, Appendix A, Table of Penalties – Conducting personal affairs while in duty status
9. Title 5 CFR §2635.704 – An employee has the duty to protect and conserve Government property and shall not such property, or allow its use, for other than authorized purposes
10. Title 5 CFR §2635.705 – Unless authorized in accordance with law of regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties
11. 40 CFR §3.103 (d) – Take any action, whether specifically prohibited or not, which would result in or create a reasonable appearance of: (3) Impeding Government efficiency or economy
12. 40 CFR §3.103 (d) – Take any action, whether specifically prohibited or not, which would result in or create a reasonable appearance of: (6) Adversely affecting public confidence in the integrity of the Government or EPA
13. 40 CFR §3.104 – Use of Government property – Employees must not use or allow the use of Government-owned or leased property for other than official purposes
14. EPA Information Security Manual 2915A1, 7.3 – Appropriate use of the Internet – EPA's policy for the appropriate use of the Internet is the same for all its information resources: (1)

Information technology resources are to be used for authorized purposes only, and (2) The use of EPA information technology resources for unauthorized personal business is not allowed

15. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (1) using EPA network resources for official government business or for other authorize use in accordance with Agency policies
16. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (2) being aware of information security requirements associated with each system and application they use
17. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (4) managing and protecting their passwords
18. EPA Agency Network Security Policy 8.14 – EPA employees and contractors are responsible for (7) safeguarding sensitive information
19. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment – (C)  
You must not use Government office equipment for activities that are inappropriate (1) transferring or storing large electronic computer files using government equipment, (2) using Internet services that automatically download information, such as sports scores, stock prices, music or videos, or other continuous data streams such as radio stations, (3) voluntarily viewing, downloading, storing, transmitting or copying, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented
20. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment –  
Protecting the Security of EPA's Systems – You are responsible for maintaining the confidentiality of your password and for all data that you place on or delete from an EPA computer

### Synopsis

Information was developed to support that [REDACTED] violated the following Code of Federal Regulations and EPA administrative policies with the viewing and downloading of pornographic materials as well as various movies and video clips with [REDACTED] EPA-issued computer through the EPA network during [REDACTED] core EPA hours:

- Title 5 CFR §2635.704;
- Title 5 CFR §2635.705;
- 40 CFR §3.103 (d);
- 40 CFR §3.104
- EPA Order 3120.1, Appendix A, Table of Penalties 7;
- EPA Order 3120.1, Appendix A, Table of Penalties 8;
- EPA Order 3120.1, Appendix A, Table of Penalties 9;
- EPA Order 3120.1, Appendix A, Table of Penalties 11;
- EPA Order 3120.1, Appendix A, Table of Penalties;
- EPA Order CIO 2101.0;
- EPA Information Security Manual 2915A1, 7.3



Information was developed to support that (b) (6), (b) (7)(C) violated EPA Agency Network Security Policy 8.14 and EPA Order CIO 2101.0 by placing the password for (b) (6), (b) (7)(C) EPA-issued computer underneath the despad of (b) (6), (b) (7)(C) EPA desk.

Additionally, during the course of (b) (6), (b) (7)(C) interview, information was developed to support that (b) (6), (b) (7)(C) violated EPA Order 3120.1, Appendix A, Table of Penalties 5 and 16 when (b) (6), (b) (7)(C) claimed that someone had been accessing (b) (6), (b) (7)(C) EPA-issued computer during off hours.

## Details

### Investigation Disclosed Allegations Supported

**Allegation:** (b) (6), (b) (7)(C) intentionally viewed and downloaded pornographic material through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core hours.

**Allegation Findings:** The results of numerous interviews of various EPA employees, to include a sworn statement from (b) (6), (b) (7)(C) and a review of images on (b) (6), (b) (7)(C) EPA-issued computer support the allegation that (b) (6), (b) (7)(C) intentionally viewed and downloaded pornographic material through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core hours.

**Investigative Results:** On March 1, 2012, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 4) According to (b) (6), (b) (7)(C) EPA, Washington, DC, found the pornographic images accidentally while in an EPA shared drive folder. (b) (6), (b) (7)(C) was notified about the incident on March 29, 2012 at 4:16 PM, and (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) EPA, Washington, DC, for more details at 4:22 PM. (b) (6), (b) (7)(C) also spoke to (b) (6), (b) (7)(C) to follow-up on what steps they would take.

(b) (6), (b) (7)(C) stated the folder on the shared drive was used from 2005-2009 by (b) (6), (b) (7)(C) but it was now inactive. The information associated with the pornographic images indicated they were placed in the file by (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) last accessed on February 9, 2012. It appeared to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) either downloaded several of the images from "Tumblr", a social networking website similar to Twitter, or from an email. There was also a BMP image, which (b) (6), (b) (7)(C) most likely received by email. (b) (6), (b) (7)(C) believed (b) (6), (b) (7)(C) accidentally saved the images into the folder on the shared drive when (b) (6), (b) (7)(C) meant to save it to a folder on (b) (6), (b) (7)(C) EPA issued computer. (b) (6), (b) (7)(C) added that all of these images were purposely saved; these could not be images based on something that (b) (6), (b) (7)(C) accidentally accessed on the Internet.

According to (b) (6), (b) (7)(C) had two EPA laptops assigned to (b) (6), (b) (7)(C) one of them contained confidential business information (CBI) and would not have access to the Internet.

On March 1, 2013, (b) (6), (b) (7)(C) EPA, Washington, DC, provided the EPA OIG with documents pertaining to the steps (b) (6), (b) (7)(C) office took to identify the pornographic images on the shared drive that was traced back to (b) (6), (b) (7)(C) (Exhibit 5)



On March 1, 2013, the OIG interviewed (b) (6), (b) (7)(C) EPA, Washington, DC. (Exhibit 6) According to (b) (6), (b) (7)(C) EPA, Washington, DC, initially notified (b) (6), (b) (7)(C) Washington, DC) via email that (b) (6), (b) (7)(C) discovered pornographic images on an EPA shared-drive.

On December 5, 2012, the OIG interviewed (b) (6), (b) (7)(C) regarding the pornographic allegations (Exhibit 2). After the OIG showed (b) (6), (b) (7)(C) the pornographic images discovered by (b) (6), (b) (7)(C) staff on February 29, 2012 (Exhibit 2 – Attachment 2), (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not recognize the images. When the OIG asked if (b) (6), (b) (7)(C) ever viewed pornographic materials on (b) (6), (b) (7)(C) EPA-issued computer (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had viewed the materials through emails sent to (b) (6), (b) (7)(C) as well as various websites, although in approximately 2011, the EPA systems began to block certain websites. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) received some of the pornographic images via emails from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also received pornographic images via emails from non-EPA individuals (b) (6), (b) (7)(C) often downloaded images from the website “Webshots”, but none to (b) (6), (b) (7)(C) knowledge were pornographic.

After the OIG showed (b) (6), (b) (7)(C) various pornographic images that the OIG found on (b) (6), (b) (7)(C) EPA-issued computer, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did recognize some of the images, although (b) (6), (b) (7)(C) could not say (b) (6), (b) (7)(C) recognized all of them. When the OIG asked if (b) (6), (b) (7)(C) understood the EPA’s policy on use of EPA computers (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) knew that viewing pornographic images was not in accordance with the computer policy.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) reviewed the pornographic images because (b) (6), (b) (7)(C) was curious. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was interested in breast augmentation as well as in how people developed their physique. When the OIG asked why (b) (6), (b) (7)(C) chose to view pornographic images on (b) (6), (b) (7)(C) EPA-issued computer, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had “opportunity” to do so as well as “downtime” (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) visited a lot of websites accidentally and the pornographic images just popped-up.

Additionally (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) that took (b) (6), (b) (7)(C) to websites with pornographic images, such as what sort of side effects certain chemicals had on male impotency. When the OIG (b) (6), (b) (7)(C)

After reviewing the image that the OIG found on (b) (6), (b) (7)(C) EPA-issued computer of a young girl holding a toad (Exhibit 2 – Attachment 3) (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) felt this was a “beautiful image” (b) (6), (b) (7)(C) further stated, “I’m a romantic; it’s a beautiful image.” (b) (6), (b) (7)(C) believed (b) (6), (b) (7)(C) obtained the image from a medical website (b) (6), (b) (7)(C) claimed (b) (6), (b) (7)(C) When the OIG repeatedly asked if (b) (6), (b) (7)(C) could understand why this image was of concern (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) guessed (b) (6), (b) (7)(C) could, but (b) (6), (b) (7)(C) felt it was a beautiful image. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has other artistic images like this on (b) (6), (b) (7)(C) EPA-issued computer.

After reviewing an image that the OIG found on (b) (6), (b) (7)(C) EPA-issued computer of a young boy holding a teddy bear (Exhibit 2 – Attachment 4), (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had “no idea” about the image. (b) (6), (b) (7)(C) stated there were times when (b) (6), (b) (7)(C) was on a website and images would appear that (b) (6), (b) (7)(C) had not clicked on.

After reviewing an image that the OIG found on (b) (6), (b) (7)(C) EPA-issued computer of what appeared to be two young nude females, (b) (6), (b) (7)(C) claimed, “I have never seen this photo before.”

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had recently noticed lights left on in (b) (6), (b) (7)(C) as well as (b) (6), (b) (7)(C) computer turned on when (b) (6), (b) (7)(C) arrived to work in the mornings. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) kept (b) (6), (b) (7)(C) password under (b) (6), (b) (7)(C) desk pad and that perhaps someone knew about this.

After reviewing the document that the OIG found on (b) (6), (b) (7)(C) EPA-issued computer regarding graphic sexual descriptions of various women (Exhibit 2 – Attachment 5), (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) recognized the document (b) (6), (b) (7)(C) wrote this at home and “loaded it [onto (b) (6), (b) (7)(C) EPA-issued computer] just for storage. (b) (6), (b) (7)(C) stated it was “my efforts at vintage eroticism. (b) (6), (b) (7)(C) stated none of the characters in the writing were based on individuals, but rather they were composites of various individuals (b) (6), (b) (7)(C) had known.

At the conclusion of the interview (b) (6), (b) (7)(C) provided agents with a signed sworn statement (Exhibit 2 – Attachment 7). Additionally, (b) (6), (b) (7)(C) turned over (b) (6), (b) (7)(C) EPA-issued computer to the OIG.

On February 15, 2013, the OIG reviewed alarm reports and card reader reports for the (b) (6), (b) (7)(C) Office of Administration and Resource Management, EPA, Washington, DC, provided. (Exhibit 7) The OIG reviewed these reports to determine if there was any credence to (b) (6), (b) (7)(C) claim that (b) (6), (b) (7)(C) believed someone else had gained access to (b) (6), (b) (7)(C) EPA-issued computer after hours through the password (b) (6), (b) (7)(C) left on (b) (6), (b) (7)(C) desk. (b) (6), (b) (7)(C), (b) (7)(E) Review of the alarm reports revealed some questionable times and/or days (i.e. late hours or weekends) at which point the alarm was deactivated/reactivated at either room (b) (6), (b) (7)(C), (b) (7)(E).

Date	Rm	Time	Name	Nbr	Note
11/01/12	(b) (6), (b) (7)(C), (b) (7)(E)	9:32:09 PM	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Open
11/01/12		11:30:32 PM			Close
11/03/12		7:16:43 AM			Open Saturday
11/03/12		1:15:26 PM			Close Saturday
11/04/12		5:50:13 AM			Open Sunday
11/04/12		6:27:57 AM			Close Sunday
11/04/12		7:35:35 AM			Open Sunday
11/04/12		4:35:19 PM			Close Sunday
11/18/12		7:58:59 AM			Open Sunday
11/18/12		3:00:56 PM			Close Sunday
12/01/12		12:07:24 PM			Open Saturday
12/01/12		5:54:08 PM			Close Saturday
12/02/12		12:52:29 PM			Open Sunday
12/02/12		5:48:08 PM			Close Sunday
12/03/12		6:58:52 PM			Open
12/03/12		7:11:07 PM			Close
12/03/12		7:40:38 PM			Open
12/03/12		8:25:09 PM			Close
12/04/12		8:41:46 PM			Close
12/04/12		9:30:27 PM			Open
12/04/12		10:32:32 PM			Close
12/29/12		3:45:43 PM			Open Saturday
12/29/12		4:25:53 PM			Close Saturday
01/07/13		7:31:11 PM			Open
01/07/13		8:20:10 PM			Close
01/12/13		5:02:09 AM			Open Saturday

Date	Time	Status	Day
01/12/13	5:24:37 AM	(b) (6), (b) (7)(C)	Close Saturday
01/26/13	10:31:57 AM		Open Saturday
01/26/13	8:04:30 PM		Close Saturday
01/27/13	1:48:52 PM		Open Sunday
01/27/13	4:50:41 PM		Close Sunday
11/03/12	9:06:31 AM		Open Saturday
11/03/12	12:54:57 PM		Close Saturday
11/04/12	7:38:53 AM		Open Sunday
11/04/12	10:06:25 AM		Close Sunday
11/04/12	2:26:20 PM		Open Sunday
11/04/12	2:31:47 PM		Close Sunday
11/10/12	12:54:16 PM		Open Saturday
11/10/12	1:39:02 PM		Close Saturday
11/17/12	11:03:40 AM		Open Saturday
11/17/12	12:03:53 PM		Close Saturday
11/17/12	12:06:36 PM		Open Saturday
11/17/12	12:07:20 PM		Close Saturday
11/18/12	8:02:32 AM		Open Sunday
11/18/12	1:04:17 PM		Close Sunday
12/01/12	6:15:03 AM		Open Saturday
12/01/12	5:53:56 PM		Close Saturday
12/02/12	6:09:34 AM		Open Sunday (never turned on)
12/03/12	7:42:29 PM		Open
12/03/12	8:23:53 PM		Close
12/04/12	9:30:02 PM		Open (never turned on)
12/08/12	9:14:37 AM		Open Saturday
12/08/12	4:25:50 PM		Close Saturday
01/01/13	11:26:09 AM		Open Holiday
01/01/13	2:35:01 PM		Close Holiday
01/05/13	8:59:09 AM		Open Saturday
01/05/13	10:06:13 AM		Close Saturday
01/05/13	10:38:40 AM		Open Saturday
01/05/13	12:56:40 PM		Close Saturday
01/06/13	10:52:38 AM		Open Sunday
01/06/13	2:55:00 PM		Close Sunday
01/13/13	4:13:56 PM		Open Saturday
01/13/13	4:23:19 PM		Close Saturday
01/19/13	12:07:49 PM		Open Saturday
01/19/13	12:28:40 PM		Close Saturday
01/24/13	8:17:04 PM		Open
01/24/13	8:17:16 PM		Close
01/26/13	9:21:33 AM		Open Saturday (never turned on)
01/27/13	4:59:46 PM		Close Sunday

Based on the questionable alarm deactivations/reactivations, SA (b) (6), (b) (7)(C) reviewed corresponding time/dates for the card swipe reports for (b) (6), (b) (7)(C), (b) (7)(E).

On February 19, 2013, the OIG interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, Washington, DC, to obtain more information regarding access (b) (6), (b) (7)(C), (b) (7)(E) Exhibit 8). After the OIG showed the documents regarding access to (b) (6), (b) (7)(C) through these doors,



(b) (6), (b) (7)(C)

- .....

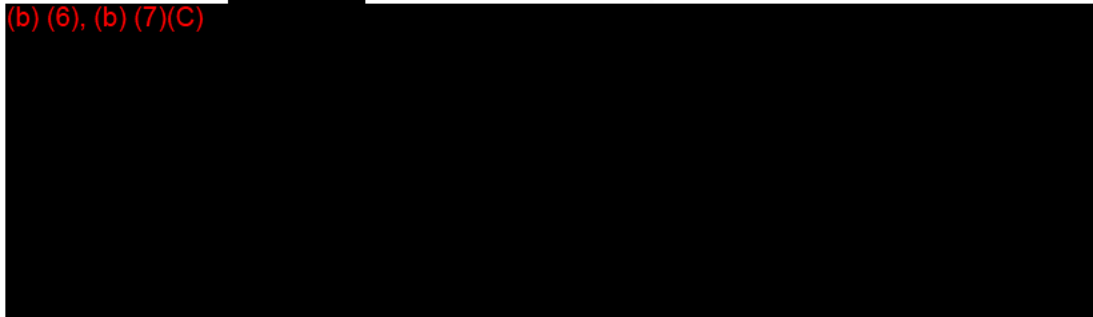
(b) (6), (b) (7)(C)

- .....

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

On March 15, 2013, (b) (6), (b) (7)(C) identified the following individuals as: (Exhibit 9)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C), (b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)



On August 15, 2013, the OIG reviewed the EPA log-on banner that appears when an EPA employee logs-on to their EPA-issued computer. (Exhibit 11) An employee must click "OK" in order to continue the log-on process. The banner reads as follows:

GOVERNMENT WARNING NOTICE!

*You are accessing a US Government information system, which includes (1) this computer, (2) this computer network, (3) all computers connected to this network, and (4) all devices and storage media attached to this network or to a computer on this network. This information system is provided for US Government-authorized use only. Unauthorized or improper use of this system may result in disciplinary action, as well as civil and criminal penalties. By using this information system you understand and consent to the following:*

*" You have no reasonable expectation of privacy regarding any communications or data transiting or stored on this information system. At any time, the government may for any lawful government purpose monitor, intercept, search and seize any communication or data transiting or stored on this*

information system ". Any communications or data transiting or stored on this information system may be disclosed or used for any lawful government purpose " Click OK: I AGREE.

On September 11, 2013, the OIG completed a review of pornographic material found on (b) (6), (b) (7)(C) EPA-issued computer. (Exhibit 12) The result of the OIG's May 21, 2012 imaging of (b) (6), (b) (7)(C) EPA-issued computer resulted in approximately 507 pornographic images. Of those, 399 of the images were found either on (b) (6), (b) (7)(C) user account and/or recovered files. There were also four images found of what appeared to be partially-nude children.

The remaining 108 images were found under (b) (6), (b) (7)(C) user account. Information provided by (b) (6), (b) (7)(C) Security Management Division (SMD), Office Administration and Resources Management (OARM), EPA, Washington, DC, indicated that (b) (6), (b) (7)(C) had been a contractor (b) (6), (b) (7)(C) which expired in September 2012. According to (b) (6), (b) (7)(C) documentation, (b) (6), (b) (7)(C) was still listed as an active contractor, although this could have been because the contracting officer representative, (b) (6), (b) (7)(C) had not removed (b) (6), (b) (7)(C). Follow-up with (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) was no longer in SMD's system as having an EPA badge. Follow-up with (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) was no longer present at the EPA.

The result of OI's December 5, 2012 imaging of (b) (6), (b) (7)(C) EPA-issued computer resulted in 29 new pornographic images added to the computer since the May 2012 imaging.

On November 5, 2013, the OIG reviewed training information for (b) (6), (b) (7)(C) that was provided by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Exhibit 13) Per the documents, (b) (6), (b) (7)(C) received the following training:

- "FY13 Annual Records Management Training", completed on September 11, 2013;
- "FY13 Security Awareness Training", completed on June 13, 2013;
- "2013 Continuity of Operations (COOP) Awareness Training", completed on May 29, 2013;
- "EMS: Environmental Management System Awareness Training", completed on May 29, 2013;
- "Working Effectively with Tribal Governments", completed on September 19, 2012;
- "FY12 Information Security Awareness Training", completed on June 17, 2012; and
- "FY11 Cybersecurity Awareness Training", completed on September 22, 2011.

(b) (6), (b) (7)(C) also provided a copy of the training material for FY11 Cybersecurity Awareness Training. Per page 27 of the training, it stated, "users shall use EPA computer systems and information for official business and under the requirements described in the Agency's Personal Use Policy." Additionally:

*"Users are prohibited from engaging or attempting to engage in the following actions: unauthorized uploading, unauthorized downloading, unauthorized changing, unauthorized circumventing, or unauthorized deleting of information on EPA systems, unauthorized modifying EPA systems, unauthorized denying or granting access to EPA systems, or otherwise misusing EPA systems or resources. Such unauthorized attempt or acts may result in disciplinary or other adverse action, as well as criminal, civil, or administrative penalties. Depending on the severity of the violation, disciplinary or adverse action, consequences may include: suspension of access privileges, reprimand, suspension from work, demotion, or removal."*



(b) (6), (b) (7)(C) also provided a copy of the training material for EPA FY12 Information Security Awareness Training. The training contained the same information as above. (b) (6), (b) (7)(C) also provided a copy of the training material for FY13 Information Security Awareness and Training. The training contained the same information as above.

**Allegation:** (b) (6), (b) (7)(C) intentionally accessed and watched inappropriate Internet content, such as movies and video clips, through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours.

**Allegation Findings:** The results of numerous interviews of various EPA employees, to include a sworn statement from (b) (6), (b) (7)(C) and a review of videos and logs on (b) (6), (b) (7)(C) EPA-issued computer support the allegation that (b) (6), (b) (7)(C) intentionally accessed and watched inappropriate Internet content, such as movies and video clips, through the EPA network with (b) (6), (b) (7)(C) EPA-issued computer during (b) (6), (b) (7)(C) core EPA hours.

**Investigative Results:** On December 5, 2012, the OIG interviewed (b) (6), (b) (7)(C) (Exhibit 2) When the OIG asked if (b) (6), (b) (7)(C) understood EPA's policy on use of EPA computers (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) often downloaded images from the website "Webshots." When the OIG asked if (b) (6), (b) (7)(C) spent any time on the website YouTube, (b) (6), (b) (7)(C) responded (b) (6), (b) (7)(C) did. (b) (6), (b) (7)(C) claimed (b) (6), (b) (7)(C) went to the website to listen to music. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has watched movies during (b) (6), (b) (7)(C) lunch break and/or after (b) (6), (b) (7)(C) day ended at 3:30 PM because (b) (6), (b) (7)(C) often stayed later to wait on documents from other staff that were essential to (b) (6), (b) (7)(C) for reports due the following day.

(b) (6), (b) (7)(C), (b) (7)(E)

issued computer. (Exhibit 3) Beginning in June 2006, over 2560 videos were accessed by (b) (6), (b) (7)(C) a predominant portion during (b) (6), (b) (7)(C) core hours. Beginning in April 2006, over 435 music files were downloaded by (b) (6), (b) (7)(C) a predominant portion during (b) (6), (b) (7)(C) core hours.

On August 15, 2013, the OIG reviewed the EPA log-on banner that appears when an EPA employee logs-on to their EPA-issued computer. (Exhibit 11) An employee must click "OK" in order to continue the log-on process. The banner reads as follows:

#### GOVERNMENT WARNING NOTICE!

*You are accessing a US Government information system, which includes (1) this computer, (2) this computer network, (3) all computers connected to this network, and (4) all devices and storage media attached to this network or to a computer on this network. This information system is provided for US Government-authorized use only. Unauthorized or improper use of this system may result in disciplinary action, as well as civil and criminal penalties. By using this information system you understand and consent to the following:*

*" You have no reasonable expectation of privacy regarding any communications or data transiting or stored on this information system. At any time, the government may for any lawful government purpose monitor, intercept, search and seize any communication or data transiting or stored on this information system ". Any communications or data transiting or stored on this information system may be disclosed or used for any lawful government purpose " Click OK: I AGREE.*



On September 11, 2013, the OIG completed a review of pornographic material found on [REDACTED] EPA-issued computer. (Exhibit 12) The result of the OIG's May 21, 2012 imaging of [REDACTED] EPA-issued computer resulted in the discovery of sexually explicit videos found on [REDACTED] EPA-issued computer.

On November 5, 2013, the OIG reviewed training information for [REDACTED] that was provided by [REDACTED] (b) (6), (b) (7)(C) (Exhibit 13) Per the documents [REDACTED] received the following training:

- "FY13 Annual Records Management Training", completed on September 11, 2013;
- "FY13 Security Awareness Training", completed on June 13, 2013;
- "2013 Continuity of Operations (COOP) Awareness Training", completed on May 29, 2013;
- "EMS: Environmental Management System Awareness Training", completed on May 29, 2013;
- "Working Effectively with Tribal Governments", completed on September 19, 2012;
- "FY12 Information Security Awareness Training", completed on June 17, 2012; and
- "FY11 Cybersecurity Awareness Training", completed on September 22, 2011.

[REDACTED] also provided a copy of the training material for FY11 Cybersecurity Awareness Training. Per page 27 of the training, it stated, "users shall use EPA computer systems and information for official business and under the requirements described in the Agency's Personal Use Policy." Additionally:

*"Users are prohibited from engaging or attempting to engage in the following actions: unauthorized uploading, unauthorized downloading, unauthorized changing, unauthorized circumventing, or unauthorized deleting of information on EPA systems, unauthorized modifying EPA systems, unauthorized denying or granting access to EPA systems, or otherwise misusing EPA systems or resources. Such unauthorized attempt or acts may result in disciplinary or other adverse action, as well as criminal, civil, or administrative penalties. Depending on the severity of the violation, disciplinary or adverse action, consequences may include: suspension of access privileges, reprimand, suspension from work, demotion, or removal."*

[REDACTED] also provided a copy of the training material for EPA FY12 Information Security Awareness Training. The training contained the same information as above [REDACTED] also provided a copy of the training material for FY13 Information Security Awareness and Training. The training contained the same information as above.

**Allegation:** [REDACTED] comprised the security of [REDACTED] EPA-issued computer password and thereby the EPA network.

**Allegation Findings:** The results of an interview with [REDACTED] as well as a sworn statement by [REDACTED] support the allegation that [REDACTED] compromised the security of [REDACTED] EPA-issued computer password and thereby the EPA network.

**Investigative Results:** On December 5, 2012, the OIG interviewed [REDACTED] (Exhibit 2) During the course of the interview, [REDACTED] stated [REDACTED] believed others had accessed [REDACTED] EPA-issued computer because [REDACTED] had recently noticed lights left on [REDACTED] as well as [REDACTED] computer turned on when [REDACTED] arrived to work in the mornings [REDACTED] stated [REDACTED] kept [REDACTED] password under [REDACTED] desk pad and perhaps someone knew about this.

On November 5, 2013, the OIG reviewed training information for (b) (6), (b) (7)(C) that was provided by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Exhibit 13) Per the documents (b) (6), (b) (7)(C) received the following training:

- “FY13 Annual Records Management Training”, completed on September 11, 2013;
- “FY13 Security Awareness Training”, completed on June 13, 2013;
- “2013 Continuity of Operations (COOP) Awareness Training”, completed on May 29, 2013;
- “EMS: Environmental Management System Awareness Training”, completed on May 29, 2013;
- “Working Effectively with Tribal Governments”, completed on September 19, 2012;
- “FY12 Information Security Awareness Training”, completed on June 17, 2012; and
- “FY11 Cybersecurity Awareness Training”, completed on September 22, 2011.

Per page 28 of the FY11 Cybersecurity Awareness Training, “Users shall protect information and information systems through effective use of user IDs and passwords. Users shall adequately protect their passwords at all times. Users shall not share their logon or account passwords with anyone (including the help desk personnel).” Additionally, “users shall promptly report security violations and vulnerabilities to proper authorities.” Per page 29 of the training, instructions are given that general use rules include not writing down passwords.

(b) (6), (b) (7)(C) also provided a copy of the training material for EPA FY12 Information Security Awareness Training. The training contained the same information as above. (b) (6), (b) (7)(C) also provided a copy of the training material for FY13 Information Security Awareness and Training. The training contained the same information as above.

### **Investigation Disclosed Allegations Not Supported**

### **Disposition**

As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action. However, due to the appearance of inappropriate behavior on the part of (b) (6), (b) (7)(C) as an EPA employee and potential violation of Federal and EPA regulations, this Report of Investigation is being referred to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, Washington, DC, for administrative remedies or actions deemed appropriate.

## **SECTION B – ENTITIES AND INDIVIDUALS**

**Name of Person:** (b) (6), (b) (7)(C)  
**Title & Company:** (b) (6), (b) (7)(C) EPA  
**Role:** Subject  
**Business Address:** 1200 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC

**Business Phone:**  
**EPA Employee:** Yes

### SECTION C – PROSECUTIVE STATUS

As credible information was not developed to believe any criminal activity occurred, this investigation was not presented for criminal or civil action.

## EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Initial Complaint, dated March 1, 2012
2.	Memorandum of Interview – (b) (6), (b) (7)(C) dated December 12, 2012
3.	Memorandum of Activity – Review of videos, dated August 1, 2013
4.	Memorandum of Interview – (b) (6), (b) (7)(C) dated March 1, 2012
5.	Memorandum of Activity – (b) (6), (b) (7)(C) dated March 1, 2012
6.	Memorandum of Activity – (b) (6), (b) (7)(C) dated March 1, 2012
7.	Memorandum of Activity – Review of door access, dated February 15, 2013
8.	Memorandum of Interview – (b) (6), (b) (7)(C) dated February 19, 2013
9.	Memorandum of Activity – Update of door access, dated August 15, 2013
10.	Memorandum of Activity – (b) (7)(E) dated August 8, 2013
11.	Memorandum of Activity – Review of log-on banner, dated August 15, 2013
12.	Memorandum of Activity – Review of images, dated September 11, 2013
13.	Memorandum of Activity – Review of training, dated November 5, 2013





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

**DATE:** November 7, 2016

**PREPARED BY:** SA (b) (6), (b) (7)(C)

**CASE #:** OI-AR-2015-ADM-0050

**CROSS REFERENCE #:** COMP-2015-66

**TITLE:** (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

EPA, POTOMAC YARD, ARLINGTON, VA

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Arlington, VA	

**VIOLATION(S):**

1. 18 U.S.C. § 1001 – False statement
2. 5 C.F.R. § 2635.704 – Use of government property – An employee has the duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.
3. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment – Prohibits employees from voluntarily viewing, downloading, transmitting or copying, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented.
4. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #7 – Conduct which is generally criminal, infamous, dishonest, immoral, or notoriously disgraceful.
5. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #11 – Using government property or Government employees in duty status for other than the official purpose.

**ALLEGATIONS:**

This investigation was initiated on March 6, 2015, based on information alleging that (b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

Environmental Protection Agency (EPA), Arlington, VA had been viewing pornographic material on (b) (6), (b) (7)(C) EPA assigned computer.

During the course of this investigation, the EPA Office of Inspector General (OIG) developed information that (b) (6), (b) (7)(C) may have provided false information to EPA OIG investigators. Specifically, (b) (6), (b) (7)(C) initially denied to investigators that (b) (6), (b) (7)(C) downloaded pornography onto (b) (6), (b) (7)(C) EPA assigned computer.

#### FINDINGS:

(b) (7)(E)

(b) (6), (b) (7)(C) as well as information provided by (b) (6), (b) (7)(C), support the allegation that (b) (6), (b) (7)(C) downloaded pornographic images onto (b) (6), (b) (7)(C) EPA assigned computer. The results of a second interview of (b) (6), (b) (7)(C) developed information to believe (b) (6), (b) (7)(C) may not have intentionally provided false information to the EPA OIG.

**DISPOSITION:** Supported; Not Supported; Closed.

Information was developed to support that (b) (6), (b) (7)(C) downloaded and viewed pornographic material on (b) (6), (b) (7)(C) EPA issued computer. Sufficient information was not developed to support that (b) (6), (b) (7)(C) violated 18 U.S.C. § 1001 by intentionally denying (b) (6), (b) (7)(C) had downloaded pornographic material onto (b) (6), (b) (7)(C) computer.

On April 30, 2015, the investigation of (b) (6), (b) (7)(C) providing false information to the EPA OIG was declined by the U.S. Attorney's Office (USAO), Department of Justice, Eastern District of Virginia, Alexandria, VA. (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

On June 29, 2015, this office provided a report of investigation to (b) (6), (b) (7)(C) EPA, Arlington, VA concerning these issues. On April 20, 2016, this office was notified that (b) (6), (b) (7)(C) had agreed to, and signed, a "Last Chance Agreement" with the EPA. Additionally, (b) (6), (b) (7)(C) would be suspended "from duty and pay for forty-five (45) calendar days." According to the agreement, the reasons for the suspension was for Misuse of Government Computer; Inappropriate Conduct; and Lack of Candor. As this investigation has been declined for criminal prosecution, and as EPA management has been notified and subsequently took corrective action, further investigative activity is not anticipated. This investigation is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS  
TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) EPA, POTOMAC YARD,  
ARLINGTON, VA  
OI-AR-2015-ADM-0050

TABLE OF CONTENTS

Narrative	Section A
Entities and Individuals	Section B
Prosecutive Status	Section C
Exhibits	

Distribution:

(b) (6), (b) (7)(C)

With Attachments

(b) (6), (b) (7)(C)

Informational Purposes Only – No  
Attachments

(b) (6), (b) (7)(C)

Special Agent  
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Office of Investigations

Reviewed by:

Patrick Sullivan  
Assistant Inspector General  
Office of Investigations



OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**CASE NO.:** OI-AR-2015-ADM-0050      **DATE OPENED:** 04/10/2015  
**CASE TITLE:** (b) (6), (b) (7)(C) GS13,      **CASE AGENT:** (b) (6), (b) (7)(C)  
**CASE CATEGORY:** Employee Integrity      **OFFICE:** Washington Field Office  
**JOINT AGENCIES:** None      **JURISDICTION:** Virginia

**SECTION A - NARRATIVE**

**Introduction**

This investigation was initiated on March 6, 2015, based on information alleging that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), Arlington, VA had been viewing pornographic material on (b) (6), (b) (7)(C) EPA assigned computer.

During the course of this investigation, the EPA Office of Inspector General (OIG) developed information that (b) (6), (b) (7)(C) may have provided false information to EPA OIG investigators. Specifically, (b) (6), (b) (7)(C) initially denied to investigators that (b) (6), (b) (7)(C) downloaded pornography onto (b) (6), (b) (7)(C) EPA assigned computer.

The OIG determined there were two possible criminal and administrative violations that required investigation. The allegations investigated by the OIG were:

1. (b) (6), (b) (7)(C) downloaded and viewed pornographic material on (b) (6), (b) (7)(C) EPA assigned computer.
2. (b) (6), (b) (7)(C) intentionally provided false information to EPA OIG investigators.

**Possible violations:**

1. 18 U.S.C. § 1001 – False statement
2. 5 C.F.R. § 2635.704 – Use of government property – An employee has the duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.
3. EPA Order CIO 2101.0 – Policy on Limited Personal Use of Government Equipment – Prohibits employees from voluntarily viewing, downloading, transmitting or copying, either electronically or from a hard copy, materials that are sexually explicit or sexually oriented.

4. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #7 – Conduct which is generally criminal, infamous, dishonest, immoral, or notoriously disgraceful.

EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #11 – Using government property or Government employees in duty status for other than the official purpose.

### Synopsis

Information was developed to support that (b) (6), (b) (7)(C) downloaded and viewed pornographic material on (b) (6), (b) (7)(C) EPA issued computer.

Sufficient information was not developed to support that (b) (6), (b) (7)(C) violated 18 U.S.C. § 1001 by initially denying (b) (6), (b) (7)(C) had downloaded pornographic material onto (b) (6), (b) (7)(C) computer.

On April 30, 2015, the investigation of (b) (6), (b) (7)(C) providing false information to the EPA OIG was declined by the U.S. Attorney's Office (USAO), Department of Justice (DOJ), Eastern District of Virginia (EDVA), Alexandria, VA. (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

### Details

#### Investigation Disclosed Allegation Supported

**Allegation 1** (b) (6), (b) (7)(C) downloaded and viewed pornographic material on (b) (6), (b) (7)(C) EPA assigned computer.

#### **Allegation 1 Findings:** (b) (7)(E)

(b) (7)(E) and a sworn statement from (b) (6), (b) (7)(C) support the allegation that (b) (6), (b) (7)(C) downloaded pornographic images onto (b) (6), (b) (7)(C) EPA assigned computer. The images discovered on (b) (6), (b) (7)(C) computer included photos showing female genitalia and individuals performing sexual acts.

**Allegation 1 Investigative Results:** On April 28, 2015, a review was completed (b) (7)(E) (b) (7)(E) of (b) (6), (b) (7)(C) computer. Approximately 15 to 20 images were identified to have been downloaded that could be considered pornographic in nature. Some of these images were drawings and not actual photos. The review also identified multiple images of sparsely clothed females posing in sexually suggestive positions. Other images were identified as temporary Internet files which suggest that they may have been viewed by (b) (6), (b) (7)(C) (Exhibit 1)

On April 28, 2015, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) had downloaded inappropriate images onto (b) (6), (b) (7)(C) computer. (b) (6), (b) (7)(C) advised that it did not occur every day and clarified that (b) (6), (b) (7)(C) had never used (b) (6), (b) (7)(C) EPA assigned computer to visit or download any images from a pornographic website. Rather, according to (b) (6), (b) (7)(C) 99% of the images that (b) (6), (b) (7)(C) downloaded were obtained from (b) (6), (b) (7)(C) online Internet "Facebook" account. (b) (6), (b) (7)(C) stated that the remainder of the images were obtained from Internet "Google" searches. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has never uploaded inappropriate images onto (b) (6), (b) (7)(C) EPA assigned computer and never downloaded inappropriate images from (b) (6), (b) (7)(C) EPA email account. (Exhibit 2)



On May 14, 2015, a review of (b) (6), (b) (7)(C) EPA email account was completed. No information was identified to suggest that (b) (6), (b) (7)(C) had utilized (b) (6), (b) (7)(C) official email to send or receive inappropriate images.

### Investigation Disclosed Allegation Unsupported

**Allegation 2:** (b) (6), (b) (7)(C) intentionally provided false information to EPA OIG investigators.

**Allegation 2 Findings:** The results of a second interview of (b) (6), (b) (7)(C) developed information to believe (b) (6), (b) (7)(C) may not have intentionally provided false information to the EPA OIG.

**Allegation 2 Investigative Results:** On April 1, 2015, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) denied downloading pornographic images onto (b) (6), (b) (7)(C) EPA assigned computer. (b) (6), (b) (7)(C) advised, however, that (b) (6), (b) (7)(C) has downloaded pictures of women in bathing suits. (Exhibit 3)

On April 21, 2015, a forensic analysis was completed on (b) (6), (b) (7)(C) computer. Approximately 15 to 20 images were identified to have been downloaded that could be considered pornographic in nature. Some of these images were drawings and not actual photos. Further analysis identified multiple images of sparsely clothed females posing in sexually suggestive positions. (Exhibit 1)

On April 28, 2015, (b) (6), (b) (7)(C) was reinterviewed. (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) had downloaded inappropriate images onto (b) (6), (b) (7)(C) computer. (b) (6), (b) (7)(C) advised that it did not occur every day and clarified that (b) (6), (b) (7)(C) had never visited or downloaded any images from a pornographic website while using (b) (6), (b) (7)(C) EPA assigned computer. Rather, according to (b) (6), (b) (7)(C) 99% of the images that (b) (6), (b) (7)(C) downloaded were obtained from (b) (6), (b) (7)(C) online Internet "Facebook" account. (b) (6), (b) (7)(C) stated that the remainder of the images were obtained from Internet "Google" searches. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had never intentionally meant to mislead investigators and that (b) (6), (b) (7)(C) was nervous and confused when originally asked whether (b) (6), (b) (7)(C) had ever downloaded pornographic material onto (b) (6), (b) (7)(C) computer. (b) (6), (b) (7)(C) related that (b) (6), (b) (7)(C) had thought (b) (6), (b) (7)(C) was being asked whether (b) (6), (b) (7)(C) had ever downloaded images from a pornographic website onto (b) (6), (b) (7)(C) EPA assigned computer. (Exhibit 2)

### Disposition

This Report of Investigation is being referred to (b) (6), (b) (7)(C) EPA, Arlington, VA for administrative remedies or actions deemed appropriate

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person:  
Title & Company:

(b) (6), (b) (7)(C)

Role:

Subject

Business Address:

US EPA, Potomac Yard  
Arlington, VA 22202

(b) (6), (b) (7)(C)

Business Phone:

(b) (6), (b) (7)(C)

EPA Employee:

Yes

SECTION C – PROSECUTIVE STATUS

As credible information was not developed to believe (b) (6), (b) (7)(C) intentionally provided false information to the EPA OIG this investigation was declined by the USAO, DOJ, EDVA. (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

**EXHIBITS**

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Memorandum of Activity – (b) (7)(E) dated April 28, 2015
2.	Memorandum of Interview – (b) (6), (b) (7)(C) dated April 28, 2015
3.	Memorandum of Interview – [REDACTED] dated April 1, 2015



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: MAY 17, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-CH-2012-ADM-0163

CROSS REFERENCE #: N/A

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	N/A

EVIDENCE- DO NOT DESTROY – SEE BELOW

ALLEGATION: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) US Environmental Protection Agency (EPA) discovered potential child pornography on an EPA loaner computer while running a file detection program on the computer. (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) US EPA, Region 5 stated to investigators the detection program revealed a uniform resource locator (URL) address that suggested child pornography.

DISPOSITION(S): On November 13, 2013, (b) (6), (b) (7)(C) was indicted by a Grand Jury in the Northern District of Illinois for two counts of possession of child pornography in violation of Title 18 U.S.C. 2252A(a)(5)(B). (b) (6), (b) (7)(C) resigned (b) (6), (b) (7)(C) employment effective on (b) (6), (b) (7)(C) 2013. A Standard Form (SF-52) was generated which indicated that (b) (6), (b) (7)(C) resigned while under criminal investigation.

RECOMMENDATION/DIRECTION: No evidence is to be destroyed until contacting and receiving guidance from AUSA (b) (6), (b) (7)(C) for final disposition of evidence.

There are no further investigative steps to be taken in this matter and is the case is recommended for closure.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS  
77 W. JACKSON BOULEVARD  
CHICAGO, IL 60604

DATE: February 6, 2020

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-CH-2016-CFR-0057

CROSS REFERENCE #: N/A

TITLE: O'Hara, Floyd, GS-13, Information Security Officer, Resource Management Division

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
Floyd O'Hara	(b) (6), (b) (7)(C)	

**VIOLATION(S):** 18 U.S.C. § 2252A (Possession of Child Pornography)  
18 U.S.C. § 641 (Conversion of Government Property)  
18 U.S.C. § 1512 (Obstruction of Justice)  
18 U.S.C. § 1512 (Obstruction of Justice)

**ALLEGATION:** This investigation was initiated based on information received from a local police department. The Naperville, IL Police Department noted that a large amount of child pornography was going to an IP address that was registered to the EPA office in downtown Chicago.

**FINDINGS:** The investigation revealed that the home IP address for Floyd O'Hara, Information Security Officer, EPA was also downloading large amounts of child pornography. Dual simultaneous search warrants on the residence and office of O'Hara uncovered additional evidence of child pornography and evidence of unauthorized EPA property at O'Hara's residence. Subsequent computer forensics showed that O'Hara tampered with the evidence in an attempt to obstruct the investigation.

**DISPOSITION:** On April 1, 2016, this investigation was referred to the United States Attorney's Office (USAO), Northern District of Illinois for prosecution consideration. The USAO accepted this investigation for prosecution.

On March 8, 2018, O'Hara pled guilty to one count of violating 18 U.S.C. § 1512 (Obstruction of Justice). O'Hara was sentenced to thirty-eight months of incarceration followed by three years of probation and ordered to pay a special assessment fee of \$100.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



On June 17, 2016, eleven days after O'Hara was arrested, O'Hara retired from the federal government.

On July 11, 2019, O'Hara was debarred for a period of ten years from participating in procurement and non-procurement activities with the federal government.

All potential criminal, civil and administrative remedies have been addressed, and no further investigative activity is warranted. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

Date: September 18, 2018

Prepared by: Special Agent (b) (6), (b) (7) (C)

Case #: OI-CH-2017-ADM-0074

Cross Reference #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7) (C)	(b) (6), (b) (7)(C)	

**VIOLATION(s):** Misuse of EPA computers to view and share pornography

**ALLEGATION(s):**

On March 3, 2017, Special Agent (SA) (b) (6), (b) (7)(C), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received a complaint (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C), Region 5, EPA was viewing adult pornography at the office during work hours and showing it to other employees at the office.

**FINDINGS:**

(b) (6), (b) (7)(C), (b) (3), (b) (7)(D)

On March 15, 2017, SA (b) (6), contacted (b) (6), (b) (7)(C) Region 5, EPA (b) (6), (b) (7)(C), (b) (7)(E), (b) (5)

On May 3, 2017 SA (b) (6), conducted an interview of (b) (6), (b) (7)(C), Region 5, EPA. (b) (6), (b) (7)(C), (b) (5)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

shown (b) (6) pictures of women that (b) (6), (b) (7)(C) bar where waitresses wear bikinis while they work. (b) (6) was then asked more specifically had (b) (6), (b) (7)(C) showed (b) (6) pictures from a "wet T-shirt contest" where women were nude. (b) (6) answered "Yes", it was from a party that (b) (6), (b) (7)(C) had arranged. (b) (6), (b) (7)(C) showed (b) (6) pictures in which (b) (6), (b) (7)(C) was having sex with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) replied "Yes". (b) (6), (b) (7)(C), (b) (5) (b) (7)

Continuing on May 3, 2017, SA (b) (6), spoke to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

The pictures included pictures of a "wet t-shirt contest." (b) (6), (b) (7)(C) confirmed (b) (6) could see the women's breast and nipples in the pictures. (b) (6), (b) (7)(C) stated there were a total of about thirty – forty pictures shown to (b) (6) and "a handful" had clearly visible breasts and nipples of women (b) (6), (b) (7)(C)

Also on May 3, 2017, SA (b) (6), interviewed (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C)

showed (b) (6) a video of (b) (6), (b) (7)(C) having sex with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated (b) (6) was unaware if the video was shown in the office or outside of work and denied ever viewing the video (b) (6), (b) (7)(C) denied being shown any type of pornography from (b) (6), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

the referenced picture was common (b) (6) knowledge in the office.

(b) (6), (b) (7)(C)

Continuing on May 3, 2017, SA (b) (6), met with (b) (6), (b) (7)(C). SA (b) (6), asked (b) (6), (b) (7)(C) about the allegation that (b) (6) showed around pictures at work of women in a "wet t-shirt contest." (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C)

the bar had a "wet t-shirt contest" after hours. (b) (6), (b) (7)(C) stated (b) (6) showed (b) (6) pictures of the "wet t-shirt contest." SA (b) (6), asked (b) (6), (b) (7)(C) if the women's breasts and nipples were visible in the pictures. (b) (6), (b) (7)(C) laughed at the question and said, "Yes or what's the point?" When asked, (b) (6), (b) (7)(C) stated there were approximately six women in the contest, so (b) (6), (b) (7)(C) felt (b) (6) had about six pictures.

(b) (6), (b) (7)(C) stated (b) (6) also showed the "wet t-shirt contest" pictures in the office to another employee, (b) (6), (b) (7)(C) also stated (b) (6) sent the pictures from (b) (6) personal e-mail account to other employees' personal e-mails accounts. (b) (6), (b) (7)(C) stated (b) (6) would access the pictures on (b) (6) personal device. (b) (6), (b) (7)(C) said (b) (6) would sometimes access (b) (6) personal e-mail account on (b) (6) work computer, but felt certain (b) (6) never accessed the "wet t-shirt contest" pictures on (b) (6) work computer. When asked, (b) (6), (b) (7)(C) stated (b) (6) could not be sure if (b) (6) had shown the pictures to anyone else in the office.

SA (b) (6), asked, "Other than (b) (6), is there anyone else you showed pornography to?" (b) (6), stated (b) (6) did not show pornography to (b) (6), (b) (7)(C) stated (b) (6) did show (b) (6) pictures of girls in bikinis from the bikini bar, but not pornography. When SA (b) (6), asked about the "wet t-shirt contest" pictures, (b) (6), stated (b) (6) did not consider those pictures pornography. (b) (6), then added (b) (6) did show (b) (6) a video about "boobies." (b) (6), explained the video is topless women jumping on a trampoline. (b) (6), stated (b) (6) also did not feel that was pornography.

Next, (b) (6), was asked about the allegation that (b) (6), showed pictures in the office of (b) (6), having sex with (b) (6), (b) (7)(C), (b) (7) denied the allegation (b) (6), (b) (7) stated (b) (6) did not have pictures like that on (b) (6) phone. (b) (6), (b) (7)(C), (b) (5)

On May 4, 2017, SA (b) (6), asked some follow up questions to the interview on May 3, 2017. SA (b) (6), asked how the images from the "wet t-shirt contest" and other images were viewed at the office. (b) (6), stated the images were viewed on (b) (6) personal tablet or phone. (b) (6), stated (b) (6) viewed "you tube" videos on (b) (6) work computer and showed them to (b) (6), (b) (7)(C). The "you tube" videos have scantily clad women or women who look nude but do not show any private areas. (b) (6), was asked how (b) (6) connected to the internet on (b) (6) personal devices. (b) (6), stated (b) (6) connected on (b) (6) mobile phone through (b) (6) carrier, Verizon. (b) (6), also stated that (b) (6) phone may connect to whatever internet access is available including the EPA funded wireless networks. (b) (6), also stated (b) (6) tablet had no data plan of its own and could only connect to the internet through a wireless (b) (6) network, such as the EPA funded wireless networks at the EPA facility.

On May 6, 2017, (b) (6), sent an unsolicited email to SA (b) (6), regarding the interview. The e-mail is four pages long. These are some excerpts of the e-mail:

(b) (6), wrote the following, in part, regarding (b) (6), (b) (6), (b) (7)(C)

Additionally, (b) (6), stated the following regarding the "wet t-shirt contest" and (b) (6), (b) (7)(C) held a wet T-shirt contest. (b) (6) was not in attendance, but I did show (b) (6) pictures of the contest on my personal phone in the parking lot of the (b) (6), (b) (7)(C) facility."

(b) (6), further discusses a time when (b) (6) showed images to (b) (6), (b) (7) and (b) (6), (b) (7) states, "the only image/video that has ever been shared with (b) (6), (b) (7)(C) listed above (which happen all at once) is a You tube video title "Ode to Boobies" which you can look up yourself. And once again, this was on a personal tablet."

**DISPOSITION:** EPA management was advised regarding the findings of this report. On April 23, 2018, (b) (6), was notified by EPA management of the decision that (b) (6) would serve a 14 day suspension beginning on (b) (6), (b) (7)(C) 2018. No further action is expected in this case; therefore, this case is closed.





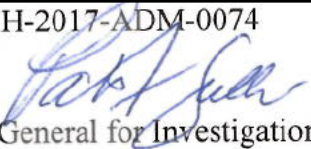
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

JUN 23 2017

FINAL SUMMARY REPORT

SUBJECT: (b) (6), (b) (7)(C)

Case Number: OI-CH-2017-ADM-0074

FROM: Patrick F. Sullivan   
Assistant Inspector General for Investigations  
Environmental Protection Agency (EPA)  
Office of Inspector General (OIG)

TO: (b) (6), (b) (7)(C)

(With Attachments)

(b) (6), (b) (7)(C)

(Without Attachments)

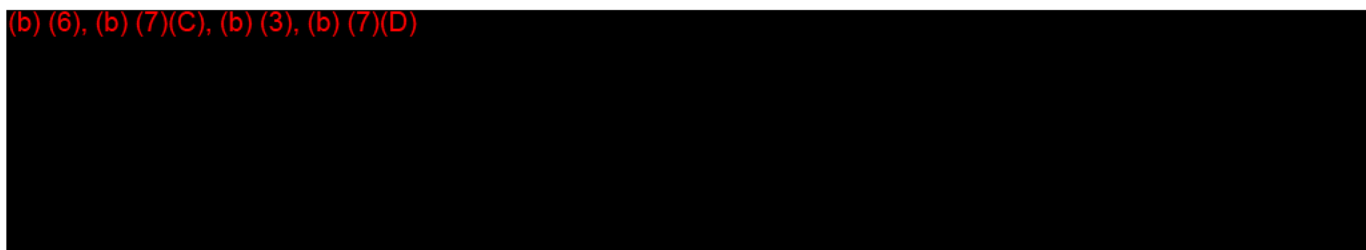
Wendy Blake  
Associate General Counsel  
Environmental Protection Agency  
Office of General Counsel  
(With Attachments)

This final summary report sets forth the United States Environmental Protection Agency (EPA), Office of Inspector General's (OIG) investigative finding for your review concerning the above-referenced case. This report includes one attachment, a memorandum which includes relevant investigative documents for your review.

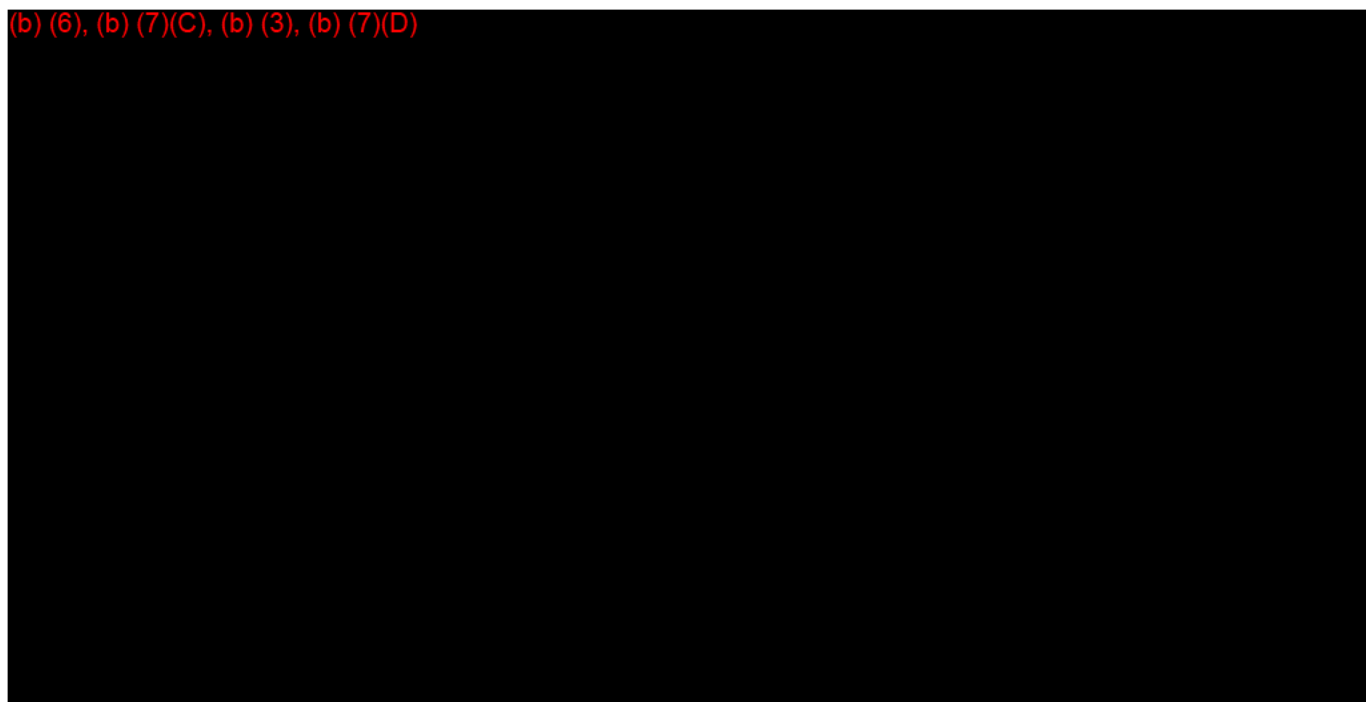
As background, on March 3, 2017, OIG's Office of Investigations (OI) received a complaint (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

EPA Region 5 was viewing adult pornography at the office during work hours and showing it to other employees at the office.

(b) (6), (b) (7)(C), (b) (3), (b) (7)(D)

A large rectangular area of the document is completely redacted with a solid black fill.

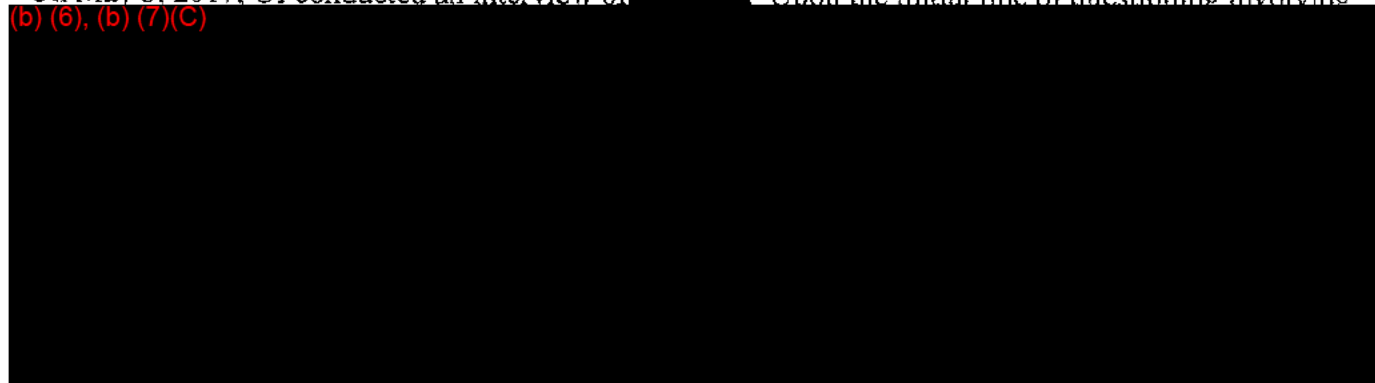
(b) (6), (b) (7)(C), (b) (3), (b) (7)(D)

A large rectangular area of the document is completely redacted with a solid black fill.

(b) (6), (b) (7)(C), (b) (7)(E)

A large rectangular area of the document is completely redacted with a solid black fill.

On May 3, 2017, OI conducted an interview of (b) (6), (b) (7)(C) Upon the initial line of questioning involving (b) (6), (b) (7)(C)

A large rectangular area of the document is completely redacted with a solid black fill.

Continuing on May 3, 2017, OI interviewed (b) (6), (b) (7)(C). When asked if (b) (6), (b) (7)(C) had ever seen pornographic (b) (6), (b) (7)(C)

The pictures included pictures of a "wet t-shirt contest." (b) (6), (b) (7)(C) confirmed (b) (6), (b) (7)(C) could see the women's breast and nipples in the pictures. (b) (6), (b) (7)(C) stated there were a total of about 30-to-40 pictures shown (b) (6), (b) (7)(C) and "a handful" had clearly visible breasts and nipples of women. (b) (6), (b) (7)(C)

Also on May 3, 2017, OI conducted an interview of (b) (6), (b) (7)(C). Immediately upon the special agents (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C)

Continuing on May 3, 2017, OI interviewed (b) (6), (b) (7)(C). OI asked (b) (6), (b) (7)(C) about the allegation that (b) (6), (b) (7)(C) showed around pictures at work of women in a "wet t-shirt contest." (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) sometimes goes (b) (6), (b) (7)(C) stated the bar (b) (6), (b) (7)(C) One time, the bar had a "wet t-shirt contest" after hours. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) showed (b) (6), (b) (7)(C) pictures of the "wet t-shirt contest" at work. OI asked (b) (6), (b) (7)(C) if the women's breasts and nipples were visible in the pictures. (b) (6), (b) (7)(C) laughed at the question and said, "Yes or what's the point?" When asked, (b) (6), (b) (7)(C) stated there were approximately six women in the contest, so (b) (6), (b) (7)(C) felt (b) (6), (b) (7)(C) had about six pictures.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) also showed the "wet t-shirt contest" pictures in the office to another employee, (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) sent the pictures from (b) (6), (b) (7)(C) personal e-mail account to other employees' personal e-mails accounts. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) would access the pictures on (b) (6), (b) (7)(C) personal device. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) would sometimes access (b) (6), (b) (7)(C) personal e-mail account on (b) (6), (b) (7)(C) work computer, but felt certain (b) (6), (b) (7)(C) never accessed the "wet t-shirt contest" pictures on (b) (6), (b) (7)(C) work computer. When asked, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) could not be sure if (b) (6), (b) (7)(C) had shown the pictures to anyone else in the office. OI asked (b) (6), (b) (7)(C) about the

allegation that (b) (6), (b) (7)(C) had shown pornography to another employee. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not trust (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) does not recall ever showing (b) (6), (b) (7)(C) pornography.

OI asked, "Other than (b) (6), (b) (7)(C) is there anyone else you showed pornography to?" (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not show pornography to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did show (b) (6), (b) (7)(C) pictures of girls in bikinis from the bikini bar, but not pornography. When OI asked about the "wet t-shirt contest" pictures, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not consider those pictures pornography. (b) (6), (b) (7)(C) then added (b) (6), (b) (7)(C) did show (b) (6), (b) (7)(C) a video about "boobies." (b) (6), (b) (7)(C) explained the video is topless women jumping on a trampoline. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) also did not feel that was pornography.

Next, (b) (6), (b) (7)(C) was asked about the allegation that (b) (6), (b) (7)(C) showed pictures in the office of (b) (6), (b) (7)(C) having sex with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) denied the allegation. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not have pictures like that on (b) (6), (b) (7)(C) phone.

On May 4, 2017, OI asked some additional questions during an interview of (b) (6), (b) (7)(C). OI asked how the images from the "wet t-shirt contest" and other images were viewed at the office. (b) (6), (b) (7)(C) stated the images were viewed on (b) (6), (b) (7)(C) personal tablet or phone. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) viewed "you tube" videos on (b) (6), (b) (7)(C) work computer and showed them to (b) (6), (b) (7)(C). The "you tube" videos have scantily clad women or women who look nude but do not show any private areas. (b) (6), (b) (7)(C) was asked how (b) (6), (b) (7)(C) connected to the internet on (b) (6), (b) (7)(C) personal devices. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) connected on (b) (6), (b) (7)(C) mobile phone through (b) (6), (b) (7)(C) carrier, Verizon. (b) (6), (b) (7)(C) also stated that (b) (6), (b) (7)(C) phone may connect to whatever internet access is available including the EPA-funded wireless networks. (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) tablet had no data plan of its own and could only connect to the internet through a wireless network, such as the EPA-funded wireless networks at the EPA facility.

On May 6, 2017, (b) (6), (b) (7)(C) sent an unsolicited email to OI regarding the interview. The e-mail is four pages long. These are some relevant excerpts of the e-mail:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) held a wet T-shirt contest. (b) (6), (b) (7)(C) was not in attendance, but I did show (b) (6), (b) (7)(C) pictures of the contest on my personal phone in the parking lot. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) also wrote about a time when (b) (6), (b) (7)(C) showed images to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated, "the only image/video that has ever been shared with (b) (6), (b) (7)(C) listed above (which happen all at once) is a You tube video title "Ode to Boobies" which you can look up yourself. And once again, this was on a personal tablet."

### Other Matters

On May 3, 2017, during the course of the interview with (b) (6), (b) (7)(C), (b) (5)  
(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C), (b) (5)

A rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C), (b) (5)

A large rectangular area of the document is completely blacked out, indicating redacted information.

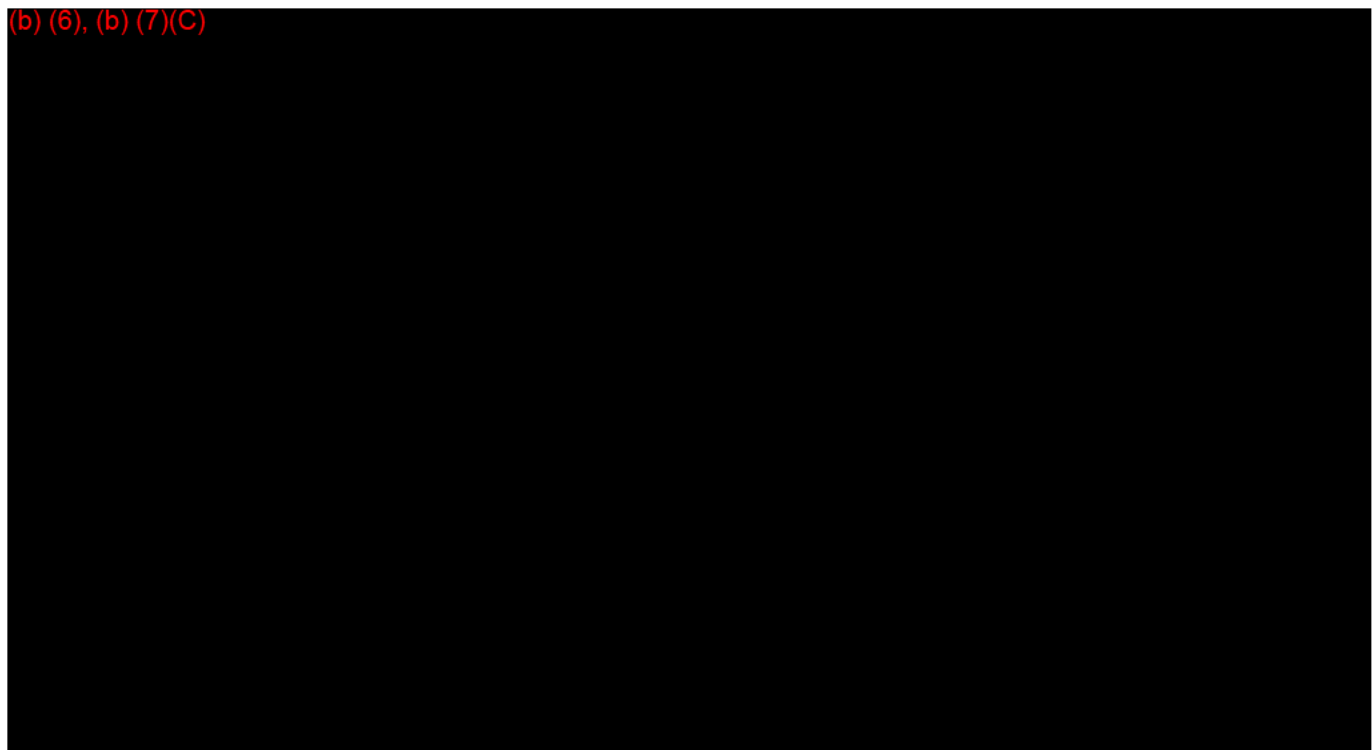
(b) (6), (b) (7)(C), (b) (5)

A rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C), (b) (7)(E)

A rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

Based upon the foregoing, the allegation that (b) (6), (b) (7)(C) viewed pornography on EPA property is supported. This case is not criminal and is solely an administrative matter. I am providing you with this final summary report for review and to enable the Agency to continue to move forward with whatever administrative action is deemed appropriate.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter, if any. This final summary report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

If you have any questions or concerns, please don't hesitate to contact me at (b) (6), (b) (7)(C)

### Attachments

1. MOI – Interview of (b) (6), (b) (7)(C)
2. MOI – Interview of (b) (6), (b) (7)(C)
3. MOI – Interview of (b) (6), (b) (7)(C)
4. MOI – Interview of (b) (6), (b) (7)(C)
5. MOI – Interview of (b) (6), (b) (7)(C)
6. MOI – Interview of (b) (6), (b) (7)(C)
7. MOI – Interview of (b) (6), (b) (7)(C)
8. MOI – Interview of (b) (6), (b) (7)(C)
9. MOI – Interview of (b) (6), (b) (7)(C)
10. MOA – (b) (6), (b) (7)(C), (b) (7)(E)
11. MOA – Open Source Information Check
12. MOA – (b) (6), (b) (7)(C) E-Mail



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
77 W. JACKSON BOULEVARD  
CHICAGO, IL 60604

CASE #: OI-CH-2018-ADM-0001

CROSS REFERENCE #: Case number

TITLE: (b) (6), (b) (7)(C), Chicago, IL

INTERVIEWEE (if applicable): Interviewee

PREPARED BY: SA (b) (6), (b) (7)(C)

### CASE CLOSING REPORT

**VIOLATION(s):** 18 U.S.C § 2252 (Possession, Distribution and Receipt of Child Pornography)

**ALLEGATION(s):** On September 22, 2017, Special Agent (SA) (b) (6), (b) (7)(C), U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Chicago Field Office (CFO) received a telephone call from (b) (6), (b) (7)(C) EPA Region 5, (b) (6), (b) (7)(C) related the following:

On September 5, 2017, (b) (6), (b) (7)(C) received a call from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that while packing to move (b) (6), (b) (7)(C) came across an old EPA laptop that needed to be returned. (b) (6), (b) (7)(C) made arrangements for the laptop to be mailed to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) researched the laptop, but no one had any record of (b) (6), (b) (7)(C) retaining an EPA assigned laptop.

(b) (6), (b) (7)(C) received the laptop computer on September 18, 2017. Upon receipt of the computer, (b) (6), (b) (7)(C) began to review the electronic content for any records that would need to be handled in accordance with the Agency's record retention policy. There were a few document files that were not records which (b) (6), (b) (7)(C) deleted. (b) (6), (b) (7)(C) believed this computer was in (b) (6), (b) (7)(C) possession during the early 2000's which is when (b) (6), (b) (7)(C) received a disciplinary action. On (b) (6), (b) (7)(C), 2005, (b) (6), (b) (7)(C) was suspended for 30 days for inappropriate behavior and misuse of a computer (sexual in nature). The offenses from this action were the misuse of government resources and (b) (6), (b) (7)(C) misrepresentations to the OIG about (b) (6), (b) (7)(C) misuse.

Based on this, (b) (6), (b) (7)(C) felt it necessary to make sure there was nothing inappropriate on the computer before returning the laptop to EPA inventory. (b) (6), (b) (7)(C) first looked at the internet history and saw that two searches of a sexual nature had been conducted. (b) (6), (b) (7)(C) did not open

CASE:  
OI-CH-2018-ADM-0001

DATE OF ACTIVITY:  
April 10, 2018

INTERVIEWEE (if applicable):  
Interviewee

DRAFTED DATE:  
April 10, 2018

AGENT(S):  
SA (b) (6), (b) (7)(C)

RESTRICTED INFORMATION  
Page 1 of 2

This report and any attachments are the property of the EPA Office of Inspector General, Office of Investigations and is loaned to your agency. It and its contents may not be reproduced or disclosed without written permission. This report contains information protected by the Privacy Act and is FOR OFFICIAL USE ONLY. Disclosure of this report to unauthorized persons is prohibited. See 5 U.S.C. 552a.

these links but did a search to see if there were any images on the computer as a result of the these or any other internet searches. Running a search for image files led (b) (6), (b) (7)(C) to several files housed in the temporary internet file directory. While (b) (6), (b) (7)(C) did not open any of the files, the file names suggested that many contained images of a sexual nature. It was when (b) (6), (b) (7)(C) came across files with the term "boys" in the name that (b) (6), (b) (7)(C) stopped and turned the computer off. (b) (6), (b) (7)(C) was concerned the computer contained child pornography.

**FINDINGS:** On October 11, 2017, SA (b) (6), (b) (7)(C) requested investigative support from (b) (6), (b) (7)(C) EPA, OIG, OI, Electronics Crime Division (ECD). Specifically, SA (b) (6), (b) (7)(C) requested ECD to conduct an examination of an EPA laptop searching for child pornography.

On January 9, 2018, SA (b) (6), (b) (7)(C) received a report from ECD that no child pornography was found on the computer.

**DISPOSITION:** This case is not criminal and is solely an administrative matter. The investigation showed that the allegation was not supported. No further action is expected in this case; therefore, this case is closed.

**CASE:**  
OI-CH-2018-ADM-0001

**DATE OF ACTIVITY:**  
April 10, 2018

**RESTRICTED INFORMATION**  
Page 2 of 2

**INTERVIEWEE (if applicable):**  
Interviewee

**DRAFTED DATE:**  
April 10, 2018

**AGENT(S):**  
SA (b) (6), (b) (7)(C)

This report and any attachments are the property of the EPA Office of Inspector General, Office of Investigations and is loaned to your agency. It and its contents may not be reproduced or disclosed without written permission. This report contains information protected by the Privacy Act and is FOR OFFICIAL USE ONLY. Disclosure of this report to unauthorized persons is prohibited. See 5 U.S.C. 552a.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: August 27, 2014

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2013-ADM-0014

CROSS REFERENCE #:

TITLE: EPA (b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) (GS-15)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C) (GS-15)	(b) (6), (b) (7)(C) WASHINGTON, DC 20004	(b) (6), (b) (7)(C) (OFFICE)

VIOLATION(S):

EPA Order 3120.1, Appendix A, Table of Penalties (11)

EPA Order CIO 2101.0, Section C

Title 5 CFR 2635.704, Subpart G

Title 5 CFR 2635.705, Subpart G

Using government property or  
government employees in duty status  
for other than official purposes.  
Policy on limited personal use of  
government office equipment  
Use of government property  
Use of official time

ALLEGATION:

On November 6, 2012, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) Hotline (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) OIG-OI investigate allegations  
regarding (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Washington, DC, GS-15, using (b) (6), (b) (7)(C) EPA computer to view pornographic material.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

## FINDINGS:

The investigation disclosed that (b) (6), (b) (7)(C) used (b) (6) government issued computer for “other than official purposes,” while in duty status. During an interview of (b) (6), (b) (7)(C) admitted to (b) (6) unauthorized use of (b) (6), (b) (7)(C) government computer. (b) (6), (b) (7)(C) stated that when (b) (6) placed (b) (6) personal thumb drive into (b) (6) computer, (b) (6) consciously opened a file that (b) (6) knew contained pornography, and purposely opened the file on (b) (6), (b) (7)(C) EPA computer, while at work. (b) (6), (b) (7)(C) stated that the pornographic video (b) (6) watched had two women in bed together “having sex.” (b) (6), (b) (7)(C) stated that up until October 26, 2012, when (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) viewing pornographic material, (b) (6) was watching pornographic material on (b) (6), (b) (7)(C) EPA computer, at (b) (6), (b) (7)(C) desk, a couple times per week for the last couple of years.

A forensic analysis of (b) (6), (b) (7)(C) EPA computer hard drive substantiated the aforementioned allegation.

## DISPOSITION: Proven; Closed

As a result of this OIG investigation, on December 17, 2013, (b) (6), (b) (7)(C) was provided an official “Notification of Final Decision Regarding Proposed Suspension” memorandum from (b) (6), (b) (7)(C) (attachment 1). (b) (6), (b) (7)(C) was suspended from duty without pay for five (5) days. A segment of the memorandum reads as follows:

“My determination is based on my thorough review of the written case file and the Inspector General’s report. I find that your suspension is warranted....Your suspension will be effective beginning (b) (6), (b) (7)(C). **The first Monday in each pay period from (b) (6), (b) (7)(C) through (b) (6), (b) (7)(C), you will be suspended for one day for a total of 5 days of suspended pay.** Since you are officially disciplined for viewing or downloading pornography, you will no longer be allowed to telework under Section 6502(a) of the Telework Act of 2010. Further, you are not allowed to bring any external flashdrives or any other external device not authorized by EPA into the office from home to attach to your government computer. The Agency reserves the right to periodically review your computer to assure there is no pornography being viewed or downloaded....”

On April 23, 2014, SA (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) immediate supervisor, who confirmed that (b) (6), (b) (7)(C) completed all of (b) (6), (b) (7)(C) suspension days.

This case is now closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS  
1301 CONSTITUTION AVE, NW  
EPA WEST BUILDING  
WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION  
CONCERNING

(b) (6), (b) (7)(C)

DISTRICT OF COLUMBIA (HEADQUARTERS)  
OI-HQ-2013-ADM-0014

TABLE OF CONTENTS

Narrative	Section A
Entities and Individuals	Section B
Prosecutive Status	Section C
Exhibits	

Distribution:

(b) (6), (b) (7)(C)

US Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Submitted by:

(b) (6), (b) (7)(C)

Special Agent  
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Office of Investigations

Reviewed by:

Patrick Sullivan  
Assistant Inspector General  
Office of Investigations

OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-HQ-2013-ADM-0014	DATE OPENED:	11/19/2012
CASE TITLE:	(b) (6), (b) (7)(C) [REDACTED] DISTRICT OF COLUMBIA (HEADQUARTERS)	CASE AGENT:	(b) (6), (b) (7)(C)
CASE CATEGORY:	EMPLOYEE INTEGRITY	OFFICE:	OFFICE OF INVESTIGATIONS - HEADQUARTERS
JOINT AGENCIES:	NONE		
JURISDICTION:	DISTRICT OF COLUMBIA		

SECTION A - NARRATIVE

Introduction

On November 6, 2012, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) Hotline received a forwarded email, dated November 2, 2012, (b) (6), (b) (7)(C) requested OIG-OI investigate allegations regarding (b) (6), (b) (7)(C) Washington, D.C., GS-15, using (b) (6), (b) (7)(C) EPA computer to view pornographic material. The OIG OI determined that the following allegation required further investigation:

1. (b) (6), (b) (7)(C) allegedly used (b) (6), (b) (7)(C) EPA computer to view pornographic material.



**Possible violations:**

EPA Order 3120.1, Appendix A, Table of Penalties (11)

Using government property or government employees in duty status for other than official purposes.

EPA Order CIO 2101.0, Section C

Policy on limited personal use of government office equipment

Title 5 CFR 2635.704, Subpart G

Use of government property

Title 5 CFR 2635.705, Subpart G

Use of official time

**Synopsis**

The investigation disclosed that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) government issued computer for "other than official purposes," while in duty status. During an interview of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) admitted to (b) (6), (b) (7)(C) unauthorized use of (b) (6), (b) (7)(C) government computer. (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) personal thumb drive into (b) (6), (b) (7)(C) computer, (b) (6), (b) (7)(C) consciously opened a file that (b) (6), (b) (7)(C) knew contained pornography, and purposely opened the file on (b) (6), (b) (7)(C) EPA computer, while at work. (b) (6), (b) (7)(C) stated that the pornographic video (b) (6), (b) (7)(C) watched had two women in bed together "having sex." (b) (6), (b) (7)(C) stated that up until October 26, 2012, when (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) viewing pornographic material. (b) (6), (b) (7)(C) was watching pornographic material on (b) (6), (b) (7)(C) EPA computer, at (b) (6), (b) (7)(C) desk, a couple times per week for the last couple of years.

A forensic analysis of (b) (6), (b) (7)(C) EPA computer hard drive substantiated the aforementioned allegation.

**Details**

**Allegation:** (b) (6), (b) (7)(C) allegedly used (b) (6), (b) (7)(C) EPA computer to view pornographic material.

**Allegation Findings:** The investigation disclosed (b) (6), (b) (7)(C) viewed pornographic material on (b) (6), (b) (7)(C) EPA issued government computer, while at work. (b) (6), (b) (7)(C) admitted to viewing pornography at (b) (6), (b) (7)(C) desk on October 26, 2012, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also admitted to viewing pornography at (b) (6), (b) (7)(C) desk a couple times a week for the last couple of years.

**Investigative Results:** On November 9, 2012, Special Agent (SA) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Washington, D.C., regarding alleged employee misconduct by (b) (6), (b) (7)(C) stated that on October 26, 2012, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) viewing pornography on (b) (6), (b) (7)(C) EPA computer, at (b) (6), (b) (7)(C) desk. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) (Exhibit 1).

On November 9, 2012, SAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding alleged employee misconduct by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

observed a video of a naked woman “masturbating” on the monitor of (b) (6), (b) (7)(C) EPA computer.

(b) (6), (b) (7)(C) computer monitor was in full view from where (b) (6), (b) (7)(C) was standing in the cubicle doorway (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]

On November 13, 2012, SA (b) (6), (b) (7)(C) and Special Agent (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) regarding allegations that (b) (6) used (b) (6), (b) (7)(C) EPA computer to view pornographic material, while at work. (b) (6), (b) (7)(C) stated that (b) (6) has been employed with the EPA (b) (6), (b) (7)(C) stated that (b) (6) has been (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) is a GS-15. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that on October 26, 2012, at approximately noon, (b) (6) took a break from several hours of cleaning out archived emails on (b) (6), (b) (7)(C) EPA computer. (b) (6), (b) (7)(C) stated that management directed employees to clean out archived emails. (b) (6), (b) (7)(C) stated that (b) (6) had headphones on (b) (6), (b) (7)(C) ears and was (b) (6), (b) (7)(C) Initially, (b) (6), (b) (7)(C) stated that the pornography started playing on its own when (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) personal thumb drive into (b) (6), (b) (7)(C) computer. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated, "I should not have had it with me. I should not have been watching it." (b) (6), (b) (7)(C) could not recall how long (b) (6) was watching the pornographic video (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was informed by the agents that files and folders, maintained on thumb drives, do not open automatically; the user is prompted to click on the file or folder they wish to open. When asked if (b) (6) had to use (b) (6), (b) (7)(C) mouse or any other key strokes to initiate the pornographic video on (b) (6), (b) (7)(C) thumb drive, so (b) (6), (b) (7)(C) could view pornographic material, (b) (6), (b) (7)(C) stated, "Yes." (b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) personal thumb drive into (b) (6), (b) (7)(C) computer, (b) (6), (b) (7)(C) consciously opened a file that (b) (6), (b) (7)(C) knew contained pornography and purposely opened the file on (b) (6), (b) (7)(C) EPA computer. (b) (6), (b) (7)(C) that the pornographic video (b) (6), (b) (7)(C) watched had two women in bed together "having sex." (b) (6), (b) (7)(C) stated, "It was obvious that the women were having sex."

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had not searched pornographic websites on EPA computers (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had been watching pornographic material on (b) (6), (b) (7)(C) EPA computer a couple times per week, for the last couple of years. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) would not view the pornography when (b) (6), (b) (7)(C) thought other people were around (b) (6), (b) (7)(C) cubicle. (b) (6), (b) (7)(C) stated that there was no excuse for (b) (6), (b) (7)(C) actions.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that (b) (6) obtained the pornography from the internet, using (b) (6), (b) (7)(C) personal computer at home. (b) (6), (b) (7)(C) stated that (b) (6) stored the pornography on (b) (6), (b) (7)(C) personal thumb drive. (b) (6), (b) (7)(C) stated that (b) (6) destroyed everything after (b) (6), (b) (7)(C) caught (b) (6), (b) (7)(C) watching the pornography on (b) (6), (b) (7)(C) EPA computer. (b) (6), (b) (7)(C) stated that (b) (6) was in a state of relief, since (b) (6), (b) (7)(C) destroyed the pornography.

(b) (6), (b) (7)(C) stated that (b) (6) did not obtain permission to view pornography at work. Based on (b) (6), (b) (7)(C) EPA ethics training, (b) (6), (b) (7)(C) stated that (b) (6) knew that viewing pornography on EPA computers was not permitted. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that when (b) (6) was at home, (b) (6) grabbed different thumb drives and, while at work, it surprised (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had the thumb drive containing pornography in (b) (6), (b) (7)(C) bag. (b) (6), (b) (7)(C) stated that (b) (6) only viewed pornography stored on thumb drives. (b) (6), (b) (7)(C) stated that, except for the October 26, 2012, incident, the other times (b) (6), (b) (7)(C) brought thumb drives containing pornography to work were intentional. (b) (6), (b) (7)(C) stated that (b) (6) was stupid for watching pornography and wished (b) (6) could take it all back.

(b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if this was the first time someone saw (b) (6), (b) (7)(C) viewing pornography on EPA (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that the material (b) (6), (b) (7)(C) was viewing was probably a state beach public service announcement that had people in bathing suits.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not view child pornography.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) got rid of all the thumb drives containing pornography (Exhibit 3).

On November 13, 2012, SA (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) went to (b) (6), (b) (7)(C) cubicle, (b) (6), (b) (7)(C), to seize (b) (6), (b) (7)(C) EPA laptop computer for forensic analysis. (b) (6), (b) (7)(C) EPA computer is a Dell Latitude E6400, Service Tag/Serial# (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) created a forensic image of (b) (6), (b) (7)(C) EPA laptop computer hard drive (Exhibit 4).

SA (b) (6), (b) (7)(C), EPA OIG Certified Computer Examiner (CCE), conducted an analysis of (b) (6), (b) (7)(C) EPA laptop computer hard drive image for pornographic materials. (b) (6), (b) (7)(C), (b) (7)(E)



(b) (6), (b) (7)(C), (b) (7)(E)

xhibit 5).

On June 7, 2013, SAs interviewed (b) (6), (b) (7)(C) in reference to the analysis conducted on (b) (6), (b) (7)(C) EPA laptop computer. SA (b) (6), (b) (7)(C) stated that the forensic analysis corroborated (b) (6), (b) (7)(C) statement that (b) (6), (b) (7)(C) used external media devices, such as thumb drives, to view pornography on (b) (6), (b) (7)(C) EPA computer. SA (b) (6), (b) (7)(C) explained that some of the paths to inappropriate websites contained terms such as teens, teeny, and girls. (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) viewed child pornography.

(b) (6), (b) (7)(C) replied that (b) (6), (b) (7)(C) did not view child pornography and would not go to child pornography sites on purpose. (b) (6), (b) (7)(C) stated that while (b) (6), (b) (7)(C) was searching the internet at home on (b) (6), (b) (7)(C) personal computer for adult pornography, (b) (6), (b) (7)(C) recalled seeing images of very young people that looked like advertisements to lure people into other websites. (b) (6), (b) (7)(C) stated that the young people appeared to be below the age of 18 years old; some looked like they were maybe 10 years old. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not open these web links because (b) (6), (b) (7)(C) was not looking for children. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) ignored the pictures of the children and continued looking for adult pornography.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) had any computers or external media devices at home. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) brought (b) (6), (b) (7)(C) EPA laptop computer home when (b) (6), (b) (7)(C) teleworked. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that several years ago (b) (6), (b) (7)(C) purchased a second-hand laptop computer from an unknown man so (b) (6), (b) (7)(C) could use it to view pornography at home. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) searched the internet for pornographic material using (b) (6), (b) (7)(C) personal laptop computer, while at home, and saved the pornographic material onto (b) (6), (b) (7)(C) personal thumb drives. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) used these personal thumb drives to view pornography at work on (b) (6), (b) (7)(C) EPA computer. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) thought the second-hand laptop computer may have been a gray Hewlett-Packard but (b) (6), (b) (7)(C) could not remember (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had no computers or other media devices in (b) (6), (b) (7)(C) personal vehicle that (b) (6), (b) (7)(C) shared.

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(Exhibit 6).

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

### Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C), for administrative remedies or actions deemed appropriate.

### SECTION B – ENTITIES AND INDIVIDUALS

**Name of Person:** (b) (6), (b) (7)(C)

**Title & Company:** (b) (6), (b) (7)(C)

**Role:** SUBJECT

**Business Address:** (b) (6), (b) (7)(C)  
WASHINGTON, DC 20004

**Business Phone:** (b) (6), (b) (7)(C)

**EPA Employee:** YES

**SECTION C – PROSECUTIVE STATUS**

ADMINISTRATIVE /CIVIL ACTION(S): (b) (6), (b) (7)(C)

This Report of Investigation is being issued (b) (6), (b) (7)(C) for administrative remedies or actions deemed appropriate. Please respond to the Office of Investigations in writing with your decision within 30 days of the receipt of this document.

This investigation revealed no potential criminal violations; therefore, the Department of Justice, United States Attorney's Office was not contacted regarding this matter.

## EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Memorandum of Interview – (b) (6), (b) (7)(C), dated November 9, 2012
2.	Memorandum of Interview – (b) (6), (b) (7)(C), dated November 9, 2012
3.	Memorandum of Interview – (b) (6), (b) (7)(C), dated November 13, 2012
4.	Memorandum of Activity – Laptop computer seizure and forensic hard drive imaging, dated November 13, 2012
5.	Forensic Analysis Report – Dated April 21, 2013
6.	Memorandum of Interview – (b) (6), (b) (7)(C), dated June 7, 2013
7.	Memorandum of Activity – (b) (6), (b) (7)(C), (b) (7)(E), (b) (5), dated June 7, 2013
8.	Memorandum of Activity – (b) (6), (b) (7)(C), (b) (7)(E), (b) (5), [REDACTED] dated June 25, 2013





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: FEBRUARY 10, 2014

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2013-ADM-0089

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

**VIOLATION:** Investigation of Threat(s) Against the EPA Organization, (includes Threats Against EPA Facilities)

**ALLEGATION:** Primary: EPA Employee used EPA computer to conduct personal business.  
Secondary: EPA Employee made threatening comments.

**FINDINGS:** On February 2, 2013, the EPA Office of Inspector General (OIG) Office of Investigations (OI) received a complaint (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) is running a personal business during work hours using EPA issued equipment and making threatening comments to co-workers. On June 12, 2013, (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a "Notice of Termination during Probationary Period" Memorandum. This memorandum informed (b) (6), (b) (7)(C) employment with EPA (b) (6), (b) (7)(C) would be terminated effective (b) (6), (b) (7)(C) 2013 due to unsatisfactory work performance and conduct during (b) (6), (b) (7)(C) probationary period; specifically, (b) (6), (b) (7)(C) unacceptable level of performance on tasks and assignments, (b) (6), (b) (7)(C) inability to work effectively with other team members, (b) (6), (b) (7)(C) unacceptable conduct with other (b) (6), (b) (7)(C) staffers, and (b) (6), (b) (7)(C) lack of demonstrated expertise regarding (b) (6), (b) (7)(C).

**DISPOSITION:** As referenced above, (b) (6), (b) (7)(C) was terminated (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) inability to meet expectations as a probationary employee. Since (b) (6), (b) (7)(C) is no longer an EPA employee, there is no additional administrative action to take. In addition, the secondary allegation involving threatening comments was unsubstantiated. As such, this case is recommended for closure.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 28, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2013-ADM-0068

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

**POTENTIAL VIOLATION(S):** Misuse of Government Equipment, Inappropriate Conduct at Work, Misuse of Official Time in violation of Environmental Protection Agency (EPA) Order CIO 2102.0, *Policy on Limited Personal Use of Government Equipment*, (April 2, 2004)(Tab B).

**ALLEGATION(S):** (b) (6), (b) (7)(C) downloaded and viewed pornographic images on EPA laptop while at work.

**FINDING:** The allegation that (b) (6), (b) (7)(C) downloaded and viewed pornographic images on EPA computer while at work is supported.

On March 10, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of (b) (6), (b) (7)(C).

On March 13, 2015, the OIG provided EPA senior leadership with a final summary memorandum report for this investigation. On March 24, 2015, Acting Assistant Administrator Nanci Gelb informed the OIG that the EPA had submitted a letter of proposed removal to (b) (6), (b) (7)(C) due to the OIG's investigation.

(b) (6), (b) (7)(C) retired from federal service effective (b) (6), (b) (7)(C), 2015.

**DISPOSITION:** Since this case has been criminally declined and there is no administrative nexus, this case is closed with no further action. However, if additional information is obtained, OI will assess such information and take appropriate action.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

March 13, 2015

**FINAL SUMMARY MEMORANDUM REPORT**

**SUBJECT:** (b) (6), (b) (7)(C) GS-14 (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Case Number: OI-HQ-2014-ADM-0012

**FROM:** Patrick F. Sullivan  
Assistant Inspector General for Investigations  
Environmental Protection Agency  
Office of Inspector General

**TO:** Nanci Gelb  
Acting Assistant Administrator  
Environmental Protection Agency  
Office of Administration and Resources Management

This final summary memorandum report sets forth the Environmental Protection Agency (EPA), Office of Inspector General's (OIG) investigative finding for your review concerning the above-referenced case. As you know, my office coordinated with the Labor and Employee Relations (LER) Division and previously provided LER investigative materials identified in Attachment 1. The information was provided in response to LER's request, even though the investigation was ongoing, so that the information could be included in EPA's review and determination of whether administrative action is warranted in this matter. This memorandum report is the final report to be transmitted from the OIG to the agency on this matter.

Senate and House committees with jurisdiction over EPA have inquired about the results of this investigation. I have concluded that in this instance, it is appropriate to furnish these results with the committees, consistent with my obligation under the IG Act to keep both the head of the agency and the Congress fully and currently informed concerning fraud and other serious problems, abuses and deficiencies relating to the programs and operations of the agency

As background, on September 11, 2013, the EPA OIG hotline received a complaint alleging EPA Employee (b) (6), (b) (7)(C) downloaded 7,383 files, or 1.3 gigabytes, of potential pornographic files onto an EPA (b) (6), (b) (7)(C) server.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

On September 18, 2013, special agents from my office responded to (b) (6), (b) (7)(C) work location (b) (6), (b) (7)(C) to retrieve (b) (6), (b) (7)(C) EPA issued computer and schedule an interview with (b) (6), (b) (7)(C). As a special agent entered (b) (6), (b) (7)(C) assigned workspace, the special agent observed (b) (6), (b) (7)(C) viewing a pornographic image on an EPA computer monitor, which was attached to (b) (6), (b) (7)(C) EPA issued laptop computer. Special agents subsequently retrieved (b) (6), (b) (7)(C) EPA issued laptop for forensic analysis.

On September 18, 2013, (b) (6), (b) (7)(C) was interviewed by special agents and admitted that (b) (6), (b) (7)(C) views and downloads pornographic images during (b) (6), (b) (7)(C) assigned work hours with EPA computer equipment during working hours. Specifically, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) has spent between approximately two (2) and six (6) hours each work day for “several years,” viewing and downloading pornography. (b) (6), (b) (7)(C) stated that “a lot” of (b) (6), (b) (7)(C) time each workday is spent “organizing” the pornography (b) (6), (b) (7)(C) downloaded into saved folders. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not believe (b) (6), (b) (7)(C) was doing anything “wrong” by accessing pornographic websites because (b) (6), (b) (7)(C) was completing the work (b) (6), (b) (7)(C) required (b) (6), (b) (7)(C) to do and that other employees within (b) (6), (b) (7)(C) division spend much of their assigned duty hours doing “personal” things other than official EPA business.

On May 27, 2014, special agents reviewed and analyzed the files on (b) (6), (b) (7)(C) government issued laptop. (b) (6), (b) (7)(C) laptop contained approximately 20,648 adult pornographic files. None of these files contained images of child pornography.

Sufficient evidence exists to support the finding that (b) (6), (b) (7)(C) misused government time and resources by viewing and organizing pornography on an EPA computer during scheduled working hours in violation of EPA policy.

On October 9, 2014, as part of the OIG’s continuing coordination with the LER, special agents provided LER with several forensic reports related to the (b) (6), (b) (7)(C) investigation. Subsequently, OIG provided LER with a copy of (b) (6), (b) (7)(C) sworn statement, and the memorandum of (b) (6), (b) (7)(C) interview. (Attachment 1).

As an update on the criminal disposition of this case, on March 10, 2015, the United States Attorney’s Office for the District of Columbia declined federal prosecution of (b) (6), (b) (7)(C), and therefore, this is now solely an administrative matter.

My office is taking no further investigatory action in this matter. This final summary memorandum report is provided “For Official Use Only” and its disclosure to unauthorized individuals is prohibited. Portions of this memorandum report may be used by appropriate Agency officials for administrative action in conjunction with the other materials previously provided by my office. Please return this memorandum report after your review of this matter is completed.

Please advise my office within 30 days of administrative action(s) taken or proposed by you in this matter, if any.

If you have any questions or concerns, please don’t hesitate to contact me at 202-566-0308.



## ATTACHMENT

1. Memorandum of Activity - Includes a list of information EPA OIG provided to LER from October 9, 2014 to March 9, 2015.

---

**RESTRICTED INFORMATION**

Page 3

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: NOVEMBER 02, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2014-ADM-0082

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, D.C.	

**BACKGROUND:** On Friday May 2, 2014, Special Agent (SA) (b) (6), (b) (7)(C) Office of Inspector General (OIG), Environmental Protection Agency (EPA) spoke with (b) (6), (b) (7)(C) regarding an allegation of employee misconduct involving (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C). Specifically, on Thursday April 24, 2014, (b) (6) was witnessed viewing pornographic material on (b) (6) government laptop during core work hours by a minor who was in the building for the EPA's (b) (6) "Bring Your Daughters and Sons to Work Day."

**VIOLATION:** EPA ORDER 3120.1; Conduct & Discipline Manual, Appendix – Table of Penalties #7: Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.

**ALLEGATION:** On May 2, 2014, the EPA OIG received a complaint alleging employee misconduct involving (b) (6), (b) (7)(C). Specifically, on Thursday April 24, 2014, (b) (6), (b) (7)(C) was allegedly witnessed viewing pornography on (b) (6) government laptop during core work hours by a minor who was in the building for the EPA's (b) (6) "Bring Your Daughters and Sons to Work Day." On February 23, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of this case making it a purely administrative matter.

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

**FINDINGS:** Sufficient evidence existed to support a finding that (b) (6), (b) (7)(C) misused government time and resources by viewing and organizing pornography on an EPA computer during scheduled working hours in violation of EPA policy.

**DISPOSITON:**

On March 23, 2015, a Proposal Notice for Removal was sent to (b) (6) and on (b) (6), (b) (7)(C) 2015, (b) (6) was officially removed from employment with the EPA. After termination, (b) (6) filed a complaint regarding (b) (6) removal with the Merit Systems Protection Board, but (b) (6) withdrew that complaint with prejudice as of (b) (6), (b) (7)(C), 2015.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

March 13, 2015

**FINAL SUMMARY MEMORANDUM REPORT**

**SUBJECT:** (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)

Case Number: OI-HQ-2014-ADM-0082

**FROM:** Patrick F. Sullivan  
Assistant Inspector General for Investigations  
Environmental Protection Agency  
Office of Inspector General

**TO:** Nanci Gelb  
Acting Assistant Administrator  
Environmental Protection Agency  
Office of Administration and Resources Management

This final summary memorandum report sets forth the Environmental Protection Agency (EPA) Office of Inspector General (OIG) investigative finding for your review concerning the above-referenced case. As you know, my office coordinated with the Labor and Employee Relations (LER) Division and previously provided LER investigative materials identified in Attachment 1. The information was provided in response to LER's request, even though the investigation was ongoing, so that the information could be included in EPA's review and determination of whether administrative action is warranted in this matter. This memorandum report is the final report to be transmitted from the OIG to the agency on this matter.

As background, on May 2, 2014, the EPA OIG received a complaint alleging employee misconduct involving (b) (6), (b) (7)(C). Specifically, on Thursday April 24, 2014, (b) (6), (b) (7)(C) was allegedly witnessed viewing pornography on (b) (6), (b) (7)(C) government laptop during core work hours by a minor who was in the building for the EPA's "Bring Your Daughters and Sons to Work Day." We immediately initiated an investigation into the violation of misuse of government time and resources.

Subsequent to the case initiation, on May 8<sup>th</sup> 2014, (b) (6), (b) (7)(C) was interviewed by special agents. During the interview and documented in (b) (6), (b) (7)(C) sworn statement, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) viewed pornography at work between one (1) and four (4) hours per day. In addition, (b) (6), (b) (7)(C) stated that approximately thirty percent (30%) to forty percent (40%) of the data stored on (b) (6), (b) (7)(C) external electronic media devices contained pornography.



Sufficient evidence exists to support the finding that (b) (6), (b) (7)(C) misused government time and resources by viewing and organizing pornography on an EPA computer during scheduled working hours in violation of EPA policy.

On October 9, 2014, as part of the OIG's continuing coordination with the LER, special agents provided LER, with several forensic reports related to the (b) (6), (b) (7)(C) investigation. Subsequently, OIG provided LER with a copy of (b) (6), (b) (7)(C) sworn statement, and the un redacted memorandum of interview. (Attachment 1)

As an update on the criminal disposition of this case, on February 23, 2015, the United States Attorney's Office for the District of Columbia declined federal prosecution of (b) (6), (b) (7)(C) and therefore, this is now solely an administrative matter.

My office is taking no further investigatory action in this matter. This final summary memorandum report is provided "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of this memorandum report may be used by appropriate Agency officials for administrative action in conjunction with the other materials previously provided by my office. Please return this memorandum report after your review of this matter is completed.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise my office within 30 days of administrative action(s) taken or proposed by you in this matter, if any.

If you have any questions or concerns, please don't hesitate to contact me at 202-566-0308.

## ATTACHMENT

1. Memorandum of Activity – Includes list of information EPA OIG provided to LER from October 9, 2014 to February 9, 2015.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

**DATE:** March 3, 2016

**PREPARED BY:** (b) (6), (b) (7)(C)

**CASE #:** OI-HQ-2014-ADM-0097

**CROSS REFERENCE #:**

**TITLE:** Missing Firearm

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
Unknown	EPA	

**ALLEGATIONS:** On Tuesday June 17, 2014, Assistant Inspector General for Investigations (AIGI) Patrick Sullivan, Office of Investigation (OI), Office of Inspector General (OIG), EPA, was contacted by (b) (6), (b) (7)(C) Office of Administration and Resources Management (OARM) regarding a missing Firearm. Specifically, (b) (6), (b) (7)(C) with Paragon Security reported on Tuesday June 17, 2014 at 2:30 AM that a (b) (7)(E) and a can of (b) (7)(E) spray went missing from the guard control room located in the (b) (7)(E) (b) (6), (b) (7)(C)

**INVESTIGATIVE FINDINGS:**

On September 26, 2014, the OIG distributed a letter offering a reward of up to \$1,000.00 for information leading to the successful recovery of the firearm. (b) (5), (b) (7)(E)

From June 19, 2014 through June 27, 2014, (b) (6), (b) (7)(C) were interviewed by EPA-OIG special agents. The results of the interviews were negative in providing and substantive leads as to the whereabouts of the firearm.

From February 25, 2015 through February 27, 2015, special agents conducted questionnaires on roughly (b) (6), (b) (7)(C) PSOs in order to narrow down potential subjects for polygraph examinations. On May 27, 2015, a polygraph examination was conducted on (b) (6), (b) (7)(C). The results of

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

the polygraph examination were negative in producing any leads that would assist in determining the whereabouts of the missing firearm.

**DISPOSITION:** All investigative leads for this case have been exhausted. On account of these leads resulting (b) (7)(E), (b) (5)

It is the opinion of this office that any further investigation is not in the best interest of the government. Therefore, this case is being closed with no further action. If new information becomes available that would otherwise change the aforementioned opinion, this case will be reopened and investigative action will be conducted as appropriate.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1301 CONSTITUTION AVENUE NW  
WASHINGTON, DC 20004

DATE: MAY 23, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2015-ADM-0113

CROSS REFERENCE

TITLE: (b) (6), (b) (7)(C) SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION  
DIVISION, OFFICE OF ENFORCEMENT AND COMPLIANCE,  
CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

**VIOLATIONS:** 18 USC 2252 (Possession of Child Pornography)  
18 USC 1510 (Obstruction of Justice)  
EPA Order 3120.3A (Employee Alcoholism and Drug Abuse Program)

**ALLEGATION:** On (b) (6), (b) (7)(C), the Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA) initiated an investigation into (1) allegations that a forensic examination of a government laptop computer issued to (b) (6), (b) (7)(C), Special Agent in Charge (SAC), Criminal Investigation Division (CID), EPA yielded images of suspected child pornography. Based upon this complaint, EPA OIG OI determined to investigate whether (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) assigned government computer to access child pornography sites. In addition to said allegation, the OIG OI determined that the following allegations had investigative merit: (2) whether (b) (6), (b) (7)(C) used prescription medications (b) (6), (b) (7)(C) was not medically authorized to use; and (3) whether (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C), former (b) (6), (b) (7)(C) information concerning (b) (6), (b) (7)(C) operations, which (b) (6), (b) (7)(C) was not authorized to know.

**FINDINGS:** First, results of database comparison with the National Center for Missing and Exploited Children (NCMEC) Child Recognition Identification System (CRIS) revealed that none of the images submitted by the EPA OIG for comparison appeared to contain any identified series. (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E) cannot determine with medical certainty that the people depicted in the photographic images are under 18 years of age.

Investigative activity for allegation 2 were not pursued due to (b) (6), (b) (7)(C) retirement from the EPA; and the expiration of the statute of limitation prevented investigative activity for allegation

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Page 1

3 were not investigative due to the expiration of the statute of limitation and (b) (6), (b) (7)(C) retirement from the EPA. Additionally,

**DISPOSITION:** Based on the aforementioned information, and due to (b) (6), (b) (7)(C) retirement from the EPA in 2016, no further investigative action is warranted at this time. This investigation is hereby closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
109 TW ALEXANDER DRIVE  
RESEARCH TRIANGLE PARK, NC 27711

CASE #: OI-RTP-2015-ADM-0045

CROSS REFERENCE #: COMP-2015-59 AND  
OCI-RTP-2011-ADM-2847

TITLE: (b) (6), (b) (7)(C)

EMPLOYEE

PREPARED BY: SA (b) (6), (b) (7)(C)

SHORT-FORM REPORT OF INVESTIGATION

PERIOD COVERED: FROM 3/30/2015 TO 1/11/2016

STATUS OF CASE: CLOSED INVESTIGATION

JOINT AGENCIES: (b) (6), (b) (7)(C), (b) (7)(E)

PREDICATION:

This investigation was initiated after the Environmental Protection Agency (EPA) Office of the Inspector General (OIG) received information from (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C)'s assigned EPA laptop computer had appeared on a recent blocked sites list that OEI generates. (b) (6), (b) (7)(C) believed that (b) (6), (b) (7)(C) may have been viewing a substantial amount of pornography due to the number of blocked sites and the webpage identifiers and descriptions.

DETAILS:

A review of the information provided by (b) (6), (b) (7)(C) revealed that (b) (6), (b) (7)(C) did indeed appear to be visiting a large number of pornographic websites using (b) (6), (b) (7)(C) EPA assigned laptop, both during and after regular work hours (Exhibit #1).

On April 1, 2015, (b) (6), (b) (7)(C) was interviewed regarding the time (b) (6), (b) (7)(C) spent viewing pornography on the EPA assigned laptop computer. (b) (6), (b) (7)(C) ultimately admitted that (b) (6), (b) (7)(C) enjoyed viewing adult pornography at the office on (b) (6), (b) (7)(C) EPA laptop as often as five days a week. (b) (6), (b) (7)(C) also indicated that (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) EPA assigned iPhone 5 to take pictures of (b) (6), (b) (7)(C) private parts and share them with (b) (6), (b) (7)(C) with women (b) (6), (b) (7)(C) has met over the Internet. (b) (6), (b) (7)(C) would also use the iPhone 5 to view other pornographic material. In addition to viewing pornographic websites, (b) (6), (b) (7)(C) admitted to receiving email messages from women (b) (6), (b) (7)(C) has met online containing pornographic

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

images. (b) (6), (b) (7)(C) would check (b) (6), (b) (7)(C) personal email while at work and using the EPA assigned laptop (Exhibit #2).

(b) (6), (b) (7)(C) further admitted to watching full length movies over the Internet on (b) (6), (b) (7)(C) EPA assigned laptop computer while at work.

(b) (6), (b) (7)(C)'s EPA laptop was seized, imaged and reviewed. A substantial number of pornographic images and movies were recovered from the hard drive through the analysis. The dates and times of the images and videos suggest that (b) (6), (b) (7)(C) was viewing the images both at work and at home on the laptop computer for up to six hours a day for at least 10 months (Exhibit #3).

### **Allegation 1**

Viewing pornographic images and videos at the office utilizing EPA equipment.

### **Allegation 1 Findings**

The findings are *supported* and have been forwarded to EPA (b) (6), (b) (7)(C) management for review and action as necessary.

### **DISPOSITION:**

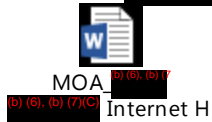
(b) (6), (b) (7)(C) voluntarily, as a result of this investigation and being informed (b) (6), (b) (7)(C) would be terminated otherwise, submitted (b) (6), (b) (7)(C) 2, 2015. (b) (6), (b) (7)(C) requested leave from (b) (6), (b) (7)(C), 2015 through (b) (6), (b) (7)(C) 2016 which was approved. (b) (6), (b) (7)(C) last day at (b) (6), (b) (7)(C) duty station was (b) (6), (b) (7)(C) 2015.

This case is closed.

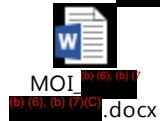


## EXHIBITS:

- 1) MOA of (b) (6), (b) (7)(C)'s internet history, dated July 20, 2015



- 2) MOI with (b) (6), (b) (7)(C), dated April 13, 2015



- 3) MOA computer forensic report, dated July 29, 2015

